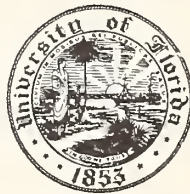





Backgrounds of Selective Service

VOLUME II • PART 4

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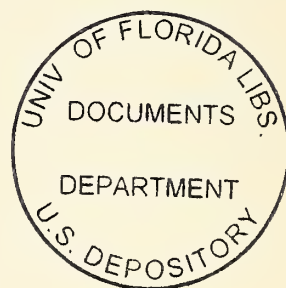
A Compilation of the Enactments of Compulsion

From the Earliest Settlements

of the Original Thirteen Colonies in 1607

Through the

Articles of Confederation 1789



SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 4. GEORGIA ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

CLEARANCE COMMITTEE

BRIG. GEN. CARLTON S. DARGUSCH, *Chairman*

COL. VICTOR J. O'KELLIHER

LT. COL. ARTHUR BOONE

COL. LEWIS F. KOSCH

LT. COL. IRVING HART

COL. WILLIAM HART

MR. KENNETH H. MCGILL

PREPARED AND COMPILED BY

LT. COL. ARTHUR VOLLMER

GOVERNMENT PRINTING OFFICE

WASHINGTON : 1947

FOR SALE BY THE SUPERINTENDENT OF DOCUMENTS, U. S. GOVERNMENT
PRINTING OFFICE, WASHINGTON 25, D. C.

Georgia

(AND SEE THE CAROLINAS)

Year War Class I Provisions Class II Provisions

1605
1610
1615
1620
1625
1630
1635
1640
1645
1650
1655
1660
1665
1670
1675
1680
1685
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1720
1725
1730
1735
1740
1745
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1770
1775
1780
1785

Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Historical Data

1662-63. Included in a proprietary charter granted to the lords proprietors of Carolina by Charles II.

1719. Provincial charter substituted for foregoing.

1732. Charter by George II to Oglethorpe and others.

1752. Surrender of the Oglethorpe charter.

1754. Provincial government established, with British governor and colonial assembly.

1776. Delegates to Continental Congress instructed to vote for independence.

1777. State constitution adopted (February 5).

1739
SPANISH
1743

1754
FRENCH and INDIAN
1760
CHEROKEE
1761
1763

1775
REVOLUTION
1783

(321) 1755
(328) 1757

(399) 1765
(330) 1766

(325) 1773

(326) 1778

(327) 1784

(604) 1782

COLONIAL ACTS OF GEORGIA.

(B. P. R. O., Board of Trade.)

AN ACT

*For Regulating the Militia of this province and for
the Security and better Defence of the same—*

Whereas the Situation of this province is such Preamble
that it cannot but sufficiently convince every rea-
sonable Man of the necessity the Inhabitants are
under of being well arm'd and trained up in the
Art Military, as well for the Honour and Service of
his Most Excellent Majesty as the preservation of
our lives, and fortunes; We therefore humbly pray
His Most Sacred Majesty that it may be enacted Enacted
and be it enacted by the Governor, Council and
Assembly of this His Majesty's province of Geor-
gia, and by the Authority of the same, That it shall
and may be lawful to and for the Governor or Com-
mander in Chief for the time being to Assemble
and call together all Male persons in this province
from the Age of sixteen to sixty years, within the
Towns Divisions or Districts and places in this
province, at such Times and Arm and array them
in such manner as is hereafter expressed, and de-
clared, and to Form them into Companies, Troops
& Regiments; and in case of Insurrection, Rebellion,
or Invasion them to lead conduct or employ, or
cause to be led conducted and employed, As well
within the said Towns, Divisions Districts and
places

All Male
Persons
from the
Age of 16
to 60 years
liable to
bear arms.

321. Ga.—*General Assembly; Col. Rec. . . . Vol. 18, Candler,
1910; Act, Jan. 18, and 22, 1755, pp. 7-48.*

For Regulating the Militia.

places, where such persons reside, as into any other Division District or places, within this province for suppressing all such Insurrections and Rebellions and repelling such Invasions as may happen to be. And whereas the said Governor or Commander in Chief for the Time being, hath full power and authority from Time to Time to constitute appoint and give Commissions to such persons as he shall think fit to be Colonels, Majors, Adjutants, Captains and other Commissioned Officers of the said persons so to be armed, arrayed and Weaponed; Be it therefore enacted, by the authority aforesaid, That in every Division within this province there shall be formed one or more Regiment or Regiments, and within every District in the respective Divisions one or more Company or Companys which said Regiments and Companies shall consist of such number of men as the Governor or Commander in Chief for the Time being shall think proper.

2d.
Regiments to
be formed in
every Division
or District.

3d.
Field Officers
in each
Regiment to
settle the
Division of
the Companies
in each District.

Be it further enacted by the Authority aforesaid. That the several Field Officers who shall be in Commission or the Majority of them in each respective Regiment are hereby fully authorized and empowered to settle and ascertain the Division of the Companies in each District under their Command, if they shall think it necessary to Divide the Inhabitants into more Companies, than one, provided the same be done agreeable to the Directions and Regulations Prescribed by this Act.

Be it further enacted by the Authority aforesaid. That it shall and may be lawful to and for the
Colonel

For Regulating the Militia.

Colonel or in his absence, the next field Officer of every Regiment hereafter to be formed in this province, on any days and Times when any three or more of the Companies of the Militia shall be assembled (to be trained mustered or exercised) within Ten Miles of one another, to cause such Companies to assemble together at some convenient place within the Division or District of Such Regiment to which such Companies shall respectively belong, and there to Train and exercise such *Compan^s* in Battalions, in such manner and Form as such Colonel or other Field Officer shall think Fit, anything in this Act to the contrary notwithstanding Excepting all Companies that may hereafter be formed upon any Islands along the Sea Coast, in this province. And in the mean Time the Inhabitants of the said Islands shall not by this Act be obliged to appear but at ordinary Musters and at the nearest place of Muster, three times a Year.

4th.
Every Colonel when three or more Companies are within Ten Mile of each other may Assemble them together to be exercised in Battalion.

Be it further enacted by the Authority aforesaid, That every Captain or other inferior commissioned Officers of any Company within this province, who shall refuse or neglect, to conduct, or lead his Company or to attend the same to the place of Rendezvous of any General Muster hereby appointed, or to the exerciseing of the Companies in Battalion according to the directions of this Act, every such Captain and other inferior commissioned Officer of any Company, who shall so refuse or neglect as aforesaid, shall for every such Offence, forfeit and pay the Sum of Three pounds Sterling, and the Said

5th.
Penalty on Officers who neglect their Duty.

 For Regulating the Militia.

Said Offences Shall be hear'd, tryed, and determined, and the said Fines Levyed, in the same way and manner, as other Offences of Captains or other Commanding Officers of Companies, by this Act are directed to be tryed, heard, determined & levied.

6th.

Company's
may be
mustered at
any Time
not exceed-
ing six
Times in a
Year.

Be it further Enacted by the Authority aforesaid, That it shall be lawfull for every Captain or other commanding Officer of the Several Companies, in this province, to assemble, Muster, train, and exercise their respective Companies, or any of them, for Ordinary Musters at any Time or times throughout the Year, giving Notice of such Muster by Beat of Drum or in Such other Expeditious Manner as such Captain or other Commanding Officer shall think fitt, Provided always that it shall not be lawfull to assemble any of the said Company's for ordinary Musters above Six Times in one year provided also and it is hereby declared that no person or persons whatsoever, shall be compelled or Obligated, at any general Muster, to goe out of the Division, where such person resides, nor at ordinary Musters, to goe above 12 Miles from where he dwells nor to remain at the place of such general or Ordinary Musters above one day, except in Time of actual Rebellion, Insurrection or Invasion, or other cases herein after particularly mentioned and provided nor shall this Act or any thing herein Contain'd be deemed, construed or taken, to extend to the giving or declaring any power, for Transporting or sending any of His Majestys Subjects in this province or any way Compelling them, to March out of this province.

No Person
obliged to
goe out of
his Division
on general
Musters nor
above 12
miles from
his place of
Residence at
ordinary
Musters.

Be

For Regulating the Militia.

Be it further Enacted by the Authority aforesaid, That the Captains of the several Companies in each Division or District in this province shall respectively enter enlist and enroll, the names of all the Male Inhabitants of this province, from the Age of Sixteen to Sixty years, within their several and respective Districts & Division, and Shall cause the severall persons so inlisted to be duly Summoned to appear at the Times and places appointed for ordinary Musters, in each respective District and Division & the publishing the Muster Days as aforesaid shall be deem'd a sufficient Summon within the Intent of this Act to oblige the person lyable to appear at such Musters, and the persons whose names shall be so entered, inlisted and enroll'd shall be deem'd & held to be inlisted in and to belong to the Company of that District or Division in which they shall be so enlisted and enroll'd & shall be obliged to appear at Musters, and on all other Occasions, and to be subject to the directions of this Act without any further Notice whatsoever.

7.
All Male Inhabitants from 16 to 60 years Age shall be enlisted.

Be it further Enacted by the Authority aforesaid, that every person lyable to appear and bear Arms at any Muster, exercise or training hereby appointed pursuant to the Direction of this Act, shall constantly keep in his House, or at his usual place of abode, and bring with him at such muster Exercise or training one Gun or Musquet fit for Service, one Cartridge Box with at least nine Cartridges filled with good Gun powder and Ball that shall fit his Piece a Horn or Flask containing at least

8.
How each person shall be armed.

a

For Regulating the Militia.

a quarter of a pound of Gun Powder and a Shott Pouch with Bullets proportionable to the Gun powder, one Girdle or Belt, one Worm, and Picker, four spare Flints, a Bayonet Sword or hatchet of the fitness and sufficiency of which Arms, every Commanding Officer of the Company to which such person belongs, is hereby declared to be the Judge.

9th.
Fines for
such as do
not appear
completely
armed.

Be it enacted by the Authority aforesaid, That in case any person lyable to appear and bear arms, at Musters as aforesaid shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Regiment to which the Company in which he is entered and enlisted shall belong every Such person shall forfeit & pay a Sum not exceeding ten Shillings Sterling, and in case any such person shall neglect or refuse to appear in manner aforesaid at every ordinary Muster every such person shall forfeit, and pay a Sum not exceeding five Shillings Sterling, which Said Several Penalties shall be recovered and dispos'd of as is herein after directed.

10.
The Officers
may visit
peoples
Houses to
View their
arms, etc.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawfull for the Commission Officers of any of the Companies of this province, Six times in a year, and not oftener, to take to their Assistance, if they think fit the Serjeants of such Company's and at any convenient time of the Day to repair to the places of residence, of any person or persons, as well those persons who are obliged to appear, on alarms, as to other persons lyable to bear arms, and enter'd and enlisted, in any such

For Regulating the Militia.

such company, and to demand a sight of their Arms, Furniture, Ammunition and Accoutrements, aforesaid, and in case persons, shall refuse to produce, any such Arms, Furniture, Ammunition and Accoutrements, or to Suffer the same to be viewed and inspected, or if when produced the said Officers shall find the same defective it shall and may be lawfull for the said Officers to Fine every person offending herein, in any Sum not exceeding five Shillings Sterling and to proceed against him or them for levying the same, in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary Musters.

And whereas it may be convenient and necessary on some particular and special Occasions to assemble the said *Company*^s at other Times than are Usually fixed for ordinary Musters. It is therefore further Enacted and declared Ththa when ever, any of the said Companies shall be Assembled or Mustered, on any particular and Special Occasion, Such Assembling and mustring Shall be esteemed and accounted as a Muster Day and one of the Six Times on which the said Companies are obliged to Muster in one year, provided always, That the said General Muster of any of the said Companies according to the Directions of this Act shall be esteemed and Accounted as and for one other of the Six Times on which the said Companies are obliged to Muster in one Year, anything in this Act to the contrary notwithstanding, Provided also that no Company or Companies, in this province be asem-

bled

11. —^{ex}

Companies mustering on special occasions to be accounted as one of the Six Times on which they are obliged to muster in one year.

But not muster on special Occasions without the order of the Commander in Chief, unless for suppressing Insurrections etc.

 For Regulating the Militia.

bled on such special and particular Occasions without the Order, Command or direction of the Governor or Commander in Chief of this province for the Time being Provided also that this Clause shall not be construed to hinder the assembling of any of the said Companies or parts thereof for suppressing Insurrections, Pirates, Sea Rovers, or Fugitive Slaves.

12.

A Troop or
Troops of
Horse to be
formed, etc.

And whereas it may very much contribute to the safety and welfare of this province to have a Troop or Troops of Horse in readiness on particular and extraordinary Occasions. Be it further Enacted by the Authority aforesaid, that the Governor or Commander in Chief for the Time being be hereby authorized and impower'd from amongst the Inhabitants of this province who have sufficient substance to undergo the charge and will voluntarily come and inlist to Form a Troop or Troops of Horse, not exceeding in the whole two Hundred men, and to appoint and Commission proper Officers to command such Troop or Troops and to Muster, train and exercise them not less than four Times in one Year, at Savannah or such other place, as the Governor or Commander in Chief shall direct and appoint.

13.

to be Armed
and Cloathed
Horse how

Be it further Enacted by the Authority aforesaid, That every person, who shall inlist in the said Troop or Troops so to be formed shall provide himself with a Good and able Horse (his own property) and with such Cloaths, Arms, Ammunition and furniture as the Majority of the Officers shall agree upon

For Regulating the Militia.

upon and every person or persons so inlisted in the said Troop or Troops shall be excused and exempted from all service whatsoever in any other Regiment, Troop or Company whatsoever (the patrol Duty excepted) provided no person whatsoever shall be admitted to inlist in the said Troop or Troops unless he Shall be first approved by the Colonel of the said Troop or Troops and every person so inlisted Shall obtain a Certificate from the Colonel of the said Troop or Troops, which Certificate the person so enlisted shall produce to the Captain or commanding Officer of the Company of such Division or District where the person so enlisted shall live and reside, and until the person so enlisted shall have produced and Shewn such Certificate he shall be lyable and subject to all the penalties and Forfeitures, inflicted by this Act, for not keeping arms, or not appearing at the Musters Trainings and execises directed by this Act, and the person so enlisted, shall not be discharged from the same without giving Three Months Notice in writing to the Colonel, or other Commanding Officer of the said Troop or Troops, of his Intent to be Discharged, and Shall produce a Certificate, at the End of the said three Months to such commanding Officer that he is enlisted in the foot Company of the Division or District where he resides and upon such Notice given, and certificate produced, he shall be discharged from the said Troop, to which he belongs, and not otherwise.

Be it further Enacted by the Authority aforesaid

 For Regulating the Militia.

14.
The said
Troop to
attend the
Governor
wherever
their service
may be re-
quired.

said, That in Time of any actual Rebellion Insurrection or Invasion the said Troop or Troops shall attend the Governor or Commander in Chief for the Time being, in any part of this province where the Governor or Commander in Chief shall go or be in person, and in such Times of Rebellion, Insurrection or Invasion, shall march ride or go to any place within this province, where the said Governor or Commander in Chief for the Time being shall Judge their service shall or may be required, and shall on all other Occasions attend the said Governor or Commander in Chief, upon Notice given or by being personally summoned, by any person appointed for that purpose by the Colonel or other Commanding Officer of the Troop or Troops, and if any person inlisted in the said Troops or either of them shall neglect or refuse to appear at the Days and times appointed for Musters, or upon due Summon on other Occasions, upon able Horses and with such Cloaths, Arms and other Accoutrements, as the Majority of the Officers shall agree upon, every such person shall forfeit a Sum not exceeding twenty Shillings Sterling, to be applied recovered & disposed as is herein after directed.

Penalty for
non-appear-
ance.

15.
Persons
within the
Province
three Months
liable to bear
Arms.

—ex

Be it further Enacted by the authority aforesaid, That every able Male person from the age of Sixteen to Sixty years who has once resided & shall be *without* this province for the space of Three Months (Slaves excepted) is hereby declared to be lyable to bear Arms in the Regiment, Troops or Companies in this province, or some or one of them,
according

For Regulating the Militia.

according to the Directions of this Act, except the severall persons herein after particularly mentioned who shall be excused and exempted from appearing at General and Ordinary Musters, at such Times and in Such Manner as is herein after mentioned and provided (that is to Say) all such persons who are members of his Majesty's Council & their Officers, for the time being, the members of the Assembly for the Time being and their Officers, the Chief Justice & Justices of the Court of common Pleas, the Attorney General, the Attorneys of the said Court, the Clerk of the Crown and Pleas, the provost Marshal the Master and Register of the high Court of Chancery for the time being, the Judge of the Vice Admiralty, the Officers of his Majesties Customs, the Surveyer General of His Majesties Lands in this province, the Clergy, the Chatehist of Savannah for the Time being, be Public Treasurer, powder receiver, Comptrolers, Waiters and Commissary, for the Time being, his Majesties Justices of the peace who shall actually qualify them selves, and act as such and no other, Provided, that all the persons aforesaid (the members of his Majesty's Honourable Council and of the Assembly, and their Officers & the pilots and Ferry-men only excepted) shall in the Time of Rebellion, Insurrection or Actual Invasion, attend under the proper Colours of the Company, in the Division or District in which such person shall actually live or reside, completely Armed and Furnished as in this Act is Directed for the foot Soldiers, or shall attend the Governor or Commander in Chief for the Time being with Horse and Arms

Persons ex-
empted from
musters.

For Regulating the Militia.

Arms in the same manner as the Troops are herein before directed, on pain of Forfeiting the Sum of Ten pounds Sterling.

16.

This paragraph relates only to Servants or Apprentices.

Be it further Enacted by the Authority aforesaid, That every Master or other person who hath the power over Government or Command of any Indented Man Servant, who Shall be employed within this province, Shall at his or their own, proper Costs and Charges, furnish and provide every such Indented Servant, during his Servitude with the Arms and Furniture directed by this Act, and every Master and other person as aforesaid shall constantly keep such Arms and furniture as aforesaid for every Such Indented Servant, and Shall Send him or them so compleatly Armed and Furnished as aforesaid, to all Musters Trainings and exercise directed by this Act, and in Case such Indented Servant Shall not appear or his Arms and Furniture should be found deficient, the Master or other person as aforesaid having the Government of such Indented Servants shall on default made in any of the premises, be subject to the same Forfeitures and Penalties as are inflicted on other persons made liable by this Act to appear and bear Arms, at Exercises, Musters and Trainings Provided always That if any Such Servants as aforesaid who shall be duely furnished and provided as is herein before directed and Shall be Sent to Muster, by the Master or any other person under whose Government, such Servant shall be, shall of his own accord, and contrary to the Will, and without the consent of the Master or such other person as aforesaid neglect

or

For Regulating the Militia.

or refuse to appear at any Training Muster or Exercise appointed by this Act, the Master or other person under whose Government such servant May be, Shall be liable to the penalties by this Act inflicted, for the Default of Such Servants and every Such Servant so offending as aforesaid shall be obliged, to serve the said Master, Two Weeks for every penalty so paid by his Master or other person, as aforesaid, and if any Servant shall imbezzle sell or make away with the arms so to be provided for him as aforesaid, he Shall be lyable to make his Master or other person, under whose Government such Servant may be full Sattisfaction.

Be it further Enacted by the Authority aforesaid, that every Servant in this province, who Shall be Freed or discharged from his Service shall be allowed Six Months time after such discharge to provide himself with the Arms and Furniture by this Act directed and required, and until the said Six Months Shall be expired, shall be freed and exempted from the Mulcts or penalties inflicted by this Act.

17.

Six months
given to
Free'd Ser-
vants to pro-
vide them-
selves with
Arms, etc.

Be it further Enacted by the Authority aforesaid, that no civil officer whatsoever Shall on any pretence, execute any process (unless for Treason Felony or Breach of the peace) on any person whatsoever, at any Muster or other Time, when such person Shall be obliged to bear Arms, in pursuance of the Direction of this Act, nor in going to or returning from any Muster or place of Rendezvous or within twenty four hours after such person

18.

No process
to be serv'd
on persons
going to or
returning
from
Musters.

 For Regulating the Militia.

son Shall be discharged from appearing in the Regiment, Company or Troop to which he shall belong under the penalty of two pounds Sterling, and the Service of such process on any Such person is hereby declared to be absolutely Void to all intents & purposes whatsoever and all Arms and Furniture which are by this Act required to be provided, by any person whatsoever shall not be liable to be seized, distrained or taken in Execution for any Cause Matter or thing whatsoever. And in case any person Shall seize, levy or distrain upon any Such Arms or Furniture contrary to this Act every Such person shall Forfeit the Sum of two pounds Sterling, to be Sued for and recovered as is hereafter directed.

19.
Penalty and
punishment
on such as
disobey their
Officers or
will not fire.

Be it further Enacted by the Authority aforesaid, That in Case any person who Shall be obliged to Bear Arms, whilst the Regiment, Troop or Company to which he Shall belong shall be under Arms or in Array, shall neglect or refuse, to fire his Gun not Exceeding Six Times each Muster day, or Shall Wilfully neglect or refuse to do his Duty, or to obey the other Lawfull Commands of his Officer, the Majority of the Officers of the Troop or Company, to which Such person belongs, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence Shall be committed in a Single Troop or Company, or any two field Officers of the Regiment to which Such person shall belong, if the Offence shall be committed in a Regiment shall have full power and Authority to

For Regulating the Militia.

to inflict on the person so offending any pecuniary Mulct not exceeding Ten Shillings sterling and in case any person Shall be disobedient, or raise any Mutiny or Sedition in Such Regiment Troop or Company under Arms or in array such person Shall be liable to a Fine not exceeding one pound Sterling, and the Said Officers respectively over and beside Such pecuniary Mulct, may imprison or confine the Offenders until Such Time as the Regiment Troop or Company to which the Offenders Shall belong Shall be discharged from bearing Arms, on the Occasion for which they Shall be assembled. And in case Such Offender Shall be a Servant, and Shall not forthwith pay such fine imposed, as is last above-said; the said Officers respectively may inflict Corporal punishment on Such Servants by Whipping not exceeding twenty lashes.

For the better regulating the militia.

And be it further Enacted by the Authority aforesaid, that in case any person obliged to bear Arms, Shall remove from one District Division or place to any other, it Shall be Lawfull for the Captain or Commanding Officer of the Company to which Such person last belonged, to Levy the penalties inflicted by this Act, for non appearing at Musters, or for not having or being provided with Sufficient Arms and furniture in the same manner as if Such person had not removed from the District Division or place to which He belonged, untill Such Time as the person so removing shall produce a Certificate from the Colonel or Commanding Officer of the Troop or from the Captain or the Commanding Officer of the Company of the Division or District into which

20.
Persons removing from one District to another.

Such

 For Regulating the Militia.

Such person Shall remove, that Such person is entered, inlisted and enrolled in the Company of Such Captain or Commanding Officer, of the Division or District to which Such person is removed.

21.

In times of Invasion or Insurrection the Governor is to publish an Alarm & may Assemble as many Regiments throughout the province as shall be thought sufficient to suppress the same.

And whereas to repell the Invasion of any public Enemy and to Suppress any dangerous Insurrection or Rebellion it may be absolutely necessary to Assemble and Raise the greatest part of the Militia of this province, Be it therefore Enacted by the Authority aforesaid, that if the Governor or Commander in Chief for the Time being Shall receive Advice, from any person or persons, in Authority under his Majesty, his Heirs or Successors or other Credible person or persons in Foreign parts, or if he shall receive from any Credible person or persons within this province information on Oath that any foreign Enemy, or Armed Force Shall suddenly intend to Invade this Province, or of any dangerous Insurrection or Rebellion Shall be actually raised within this province which cannot be suppressed by one Single company it Shall and may be Lawfull for the said Governor or Commander in Chief for the Time being by and with the Advice & Consent of his Majesty's Council for the Time being in this province to raise and assemble Such and so many of the Regiments Troops & Companies by this Act directed, to be formed as the said Governor or Commander in Chief, by and with the advice and Consent aforesaid Shall think sufficient and able to Suppress and repel Such Invasion Rebellion or Insurrection as may happen or be. And for the more effectual execution thereof it Shall and may be lawfull for
the

For Regulating the Militia.

the said Governor or Commander in Chief of this province for the Time being by and with the advice & consent aforesaid to make and publish, or Cause to be made and published an alarm throughout the Whole province by firing Six Guns, two, at a time, at three Minutes distance, or by Sending Orders and expresses to the field Officers or other Officers of the Militia's to raise their Several and respective Regiments Troops or Company's or Such part of them as shall be ordered and directed to March ——— Rendezvous, at Such proper times and places, within this province as the said Governor or Commander in Chief for the Time being Shall think fit. And the said Alarm Shall be Carryed on throughout the whole province by all the Commissioned Officers of the Militia by firing three small arms at convenient intervals from place to place, and by Speedy raising their Several Company's, and taking all other proper and effectual Measures to give Notice of the Motion of the Enemy, and forwarding with the utmost Expedition all necessary Information to the Governor or Commander in Chief for the Time being, and by putting in Execution all Such Orders as they Shall receive from their Superior Officers.

And be it further Enacted by the Authority aforesaid, That an Alarm Shall be made by any Commissioned Militia Officer by firing three small Arms on Sight of any Enemy, or on Information of any Enemy appearing or Mischief done by an Enemy, from any White Man of Credit who hath seen the Same, of the Credit of which Informer the said Officer

22.

Alarms shall be carryed on by every person hearing the same.

 For Regulating the Militia.

Officer Shall be Judge, And every Alarm Shall be carried on by all persons hearing or having Knowledge of the same by firing three small Arms distinctly as usual. And the said Officer who fired the Alarm, shall raise the Company of which he is an Officer, by beat of Drum, or by ordering Men to Warn their next Neighbours, 'till the Company can be gott together, And also the commanding Officer of the said Company Shall with all convenient speed, dispatch two Expresses one to the Governor or Commander in Chief, for the time being and the other to the next field Officer of the Regiment to which the said Company belongs with an account of the Cause of the Alarm, so made, upon which Notice the said Field Officer shall have power to raise any Number of Men of the Regiment he belongs to, to March to the Assistance of the Inhabitants of this province who are in danger.

23.
Penaltys on
persons dis-
obeying in
times of
alarm.

And be it further Enacted by the Authority aforesaid, that if any person whatsoever, who by this Act is lyable to Bear Arms, shall in Time of Such Alarm, neglect or refuse to Use his Utmost Means and Endeavours, to convey and communicate the said Alarm or Notice of the Enemys approach, every Such person shall forfeit, and pay the Sum of Five Pounds Sterling. And in Case any Such person after he hath Notice of an Alarm does not forthwith Repair compleatly Armed and Accoutered as aforesaid with all convenient speed, to the place where the Regiment, Troop or Company, to which he Shall belong, shall be appointed to Rendezous, every Such person shall forfeit Ten pounds Sterling,

And

For Regulating the Militia.

And in case the Company or Troop to which Such person Shall belong Shall actually engage and fight with the Enemy before such persons shall appear in the said Regiment Troop or Company, in every such case, the person not appearing as aforesaid, shall forfeit Twenty pounds Sterling.

And Whereas several parts of this province lying on the Sea Coast are exposed to the Depredations of Pirates and Sea Rovers & many Inland places are in Danger of Incursions from Indians, and are frequently infested with fugitive Slaves, whose sudden attempts may prove fatal to many of His Majesty's subjects before Notice can be given to his Majesty's Governor, Therefore for the more effectual preventing, repelling and Suppressing such Sort of Mischiefs, Be it Enacted by the Authority aforesaid That it Shall and may be lawfull for every Commissioned Officer in the Militia when Occasion Shali require to assemble Arm and Raise any number of men belonging to their respective Companies, for which they Shall be commissioned and appointed, and if need be to give Notice and call to their aid the Officers and Men of any adjacent Company, to disperse, suppress, kill, destroy, apprehend take or Subdue, any Pirate, Sea Rover, Indian or other Enemy, who shall in a hostile manner hurt or attempt to hurt any of his Majesty's Subjects in their persons or possessions, or any Company of Slaves, who shall be met together, or who Shall be lurking in any suspected places, where they may do Mischief or who Shall have absented themselves from the Service of their Owners, And in case any person

24.
Pirates, Sea
Rovers,
Indians and
fugitive
Slaves how
to be sup-
pressed.

For Regulating the Militia.

person whatsoever who by this Act is liable to bear Arms, shall neglect or refuse to appear upon Notice given by any Commissioned Officer of Y^e Troop or Company to which Such person belongs, or appearing Shall not attend and obey the said Officer compleatly Armed, and furnished According to the Directions of this Act, every Such person for every Such neglect or refusal shall forfeit the Sum of twenty Shillings Sterling.

25.
Patrols in
Times of In-
vasion, etc.

And Whereas in Time of Invasion if the Militia of the whole province were to be assembled great dangers might arise from the insurrections or other Wicked Attempts of Slaves, For the prevention thereof, Be it enacted by the Authority aforesaid, That, in Time of Invasion or Insurrection, and when it Shall be found necessary to March the Several Regiments, Troops or Company's, or any of them out of their proper Counties Districts or Divisions, one fourth part at least of every Company in this province shall stay and remain, in the respective District or Division to which they belong and Shall be formed into Patrols, under the Command of Such Officers, as the Commissioned Officers of the Company shall direct and appoint untill the Governor or Commander in Chief shall Commission & appoint a Commander or Officer for each of Such Patrols, under whose Command respectively they Shall continue, untill the rest of the Company shall return to their Habitation, and Shall be discharged from bearing arms, And the patrol so formed Shall be obliged to be on constant Duty, and to ride and Patrol and Guard the plantations and keep

For Regulating the Militia.

keep the Slaves within their several Divisions and Districts in good order and shall place proper Guards Watches and Centinels at proper and convenient places to give Notice of danger or for the more Speedy conveying Advices and intelligence to the Governor or Commander in Chief of this Province, or any Army which Shall be raised & Assembled by his Command, And in case any person or persons whatever, who Shall Stay and remain as Aforesaid in any of the Divisions or Districts to which he or they may belong shall neglect or refuse, to ride patrol or to Watch stand Centinel or keep Guard or do any other Duty hereby enjoined or required, or Shall refuse to obey the Lawfull commands of any person who shall be appointed to command such patrol, every person so offending shall forfeit any Sum not exceeding Ten pounds Sterling.

And that no unequal Burthen may be laid on the Inhabitants of this province, Be it enacted by the Authority aforesaid That in all Times of Invasion Rebellion or Insurrection when any person shall receive orders to March out of their Division or District the Captain or other Commanding Officer who Shall be present shall cause the Names of all the persons who are entered inlisted and enrolled in the Muster Roll, of such Company (Officers Excepted) to be wrote down on Small Scrolls of paper, which Shall be folded up and put into a Hatt, and Shall be Shaken together, and the Clerk or Sergeant of Said Company shall draw out of the Hatt the names of so many persons as will not exceed

26.

In times of Invasion the names of so many persons as shall be ordered out of their Division shall be drawn.

 For Regulating the Militia.

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They may
send able
Men in their
Stead.

exceed three fourths parts of the said Company and the persons whose names Shall be So drawn, Shall be obliged to March According to such Orders as Shall be given by the Governor or Commander in Chief, and According to the Directions of this Act, and the rest whose names shall be left in the Hat Shall stay in their respective District and Divisions, and Shall do the Duty of the Patrol, hereby directed to be performed Provided always that no Officer of any Company shall be excused from Marching with the Company for which he is appointed unless by particular Orders from the Governor or Commander in Chief, ——— Shall be directed otherwise, in which Case such Officer so Directed to Stay Shall be Commanding Officer of that part of the Company, which Shall be so left in their Several Districts, Provided also That if any person whose Name shall be drawn as aforesaid and who Shall thereby be obliged to March, out of his District or Division can provide an able Man, to be approved by the Majority of the Officers in the Company to which Such person belongs compleatly armed and Furnished according to the directions of this Act, every such person Shall be permitted and at Liberty to do so, and upon producing and Sending out such able Man in his Stead shall be excused from going out or marching in person, provided also that the person who provides and Sends another person in his Stead shall be Still obliged to serve in the patrol to be formed according to the directions of this Act, and Shall be Subject to all the penalties and Forfeitures by this Act inflicted on Such as shall be guilty of disobedience or Shall neglect or refuse

For Regulating the Militia.

fuse to ride in such Patrol, anything herein contained to the contrary thereof in anywise notwithstanding.

And be it further Enacted by the Authority aforesaid, that in the Time of any Alarm made upon any Insurrection Rebellion or Invasion all field Officers and Captains of every Company be & they are hereby impowered, by themselves or their Warrant to any Inferior Officer or Soldier to impress any provisions, Horses, Boats, Canons, Piraugas and Vessels with their Furniture or whatever other Things they Shall want or have need of for the Service of this province, Provided always that all provisions, Horses, Boats, Canons Piraugua's and Vessels and whatever other things impressed as aforesaid by the proper Officer hereby impower'd be by the said Officer brought before three or more indifferent persons being Freeholders and having Judgment in the respective things so impressed and brought before them to be appraised and valued before it be dispos'd of for the Service of this province; And that when the same shall be so Valued and appraised, the said Officer do give a Receipt under his Hand, for the same to the Owner thereof if he conveniently can & that the Commanding Officer or Captain of each Company do cause his or their Clerk or Clerks to enter the Same in a Book to be kept for that purpose. And that the Said appraisers Shall appraise and ascertain any Loss or Damage, that may happen to befall the said Effects, so impress'd for the Service aforesaid or allow a Competent Hire for the same, when returned to the said Owners, as the Case shall require and the

Same

27.
Provisions
Horses Boats
etc. may be
impressed in
Times of
Alarm by
any Officer.

 For Regulating the Militia.

Same to be given under the Hands of the appraisers, to the Owner or Owners thereof Directed to the Publick Treasurer, who is hereby ordered to pay the Same, And also that such Commanding Officer or Captain of such Company or Companies, after such alarm Shall be over, and before his, or their Company or Companies Shall be discharged, order so many Men as he or they shall think fit to carry Such Horses Boats Canons Piraugua's & Vessels or whatever other things they shall have impressed to the respective Owners from whom they were taken, the Owners giving their Receipts upon the Redelivery of the Same And the said Commanding Officer or Captain of each Company, and each and every of them are hereby impowered to draw an Order on the Public Treasurer payable to the persons aforesaid, for so much Money as he or they Shall think the said persons for Carrying Home any of the things herein before mentioned deserve, And the Public Treasurer is hereby Ordered to pay the same.

28.

Impressed
provisions
and am-
munition to
be secured.

And be it further Enacted by the Authority aforesaid That the Commanding Officer or Captain of each Company do Lodge in Some convenient and Secure place for the public Use, all the provisions and Ammunition impressed by him or them, or by Virtue of his or their Warrant, or Order, and that Shall remain unexpended, after an Alarm, and that he take a particular Account thereof.

And be it further Enacted by the Authority aforesaid, That if any Officer of the Militia, or any
other

For Regulating the Militia.

other person whatsoever, who by this Act Shall be obliged to bear Arms, shall knowingly or willfully in Time of Rebellion, Insurrection or Invasion, offend in any thing against this Act, or Shall neglect or refuse to do execute or perform any Act, Matter or thing which by this Act is required, directed perscribed, or enjoined by him or them to be done executed or performed for which no particular penalty is hereby inflicted then every Such person so offending, Neglecting or refusing as aforesaid, Shall incurr forfeit and pay the Severall Mulcts, Penalties and Forfeitures following (that is to Say) if Such person, so offending refusing or neglecting as aforesaid shall be a Commissioned Officer of the Militia above the Degree of a Captain, the Several persons hereby impowered to hear, and determine offences, committed Against this Act, shall and may and they are hereby authorized and Impowered to inflict on Such person a pecuniary Mulct, or Fine not exceeding the Sum of Fifty pounds Sterling, and in case the person offending Shali be a Captain or any inferior Commissioned officer, under the Degree of a Captain in the Militia, a pecuniary Mulct or Fine Shall be inflicted as aforesaid, not exceeding the Sum of Thirty pounds Sterling, and if any non Commissioned Officer of the Respective Troops or Companies, or any private person that is obliged to bear Arms, shall offend as aforesaid in any thing against this Act, there Shall be inflicted as aforesaid a Mulct or Fine, not exceeding the Sum of Ten pounds Sterling, But if the person so offending Shall be an Indented Ser-

vant

29.

Fines against
all persons
that offend
against this
Act in Times
of Invasion.

 For Regulating the Militia.

vant, and have no goods, to be Levied on, and Shall neglect or refuse to pay, the Mulct or Fine which Shall be inflicted as aforesaid for the Space of Ten Days, he Shall receive Corporal punishment not exceeding forty Lashes, with a Whip or Switch, on the bare Back.

30.
The Cap-
tains may
appoint Ser-
jeants to
their res-
pective Com-
panies.

And be it further Enacted by the Authority afore-
said, that the Captain of each Company shall have
power to appoint any two persons within their re-
spective Companies, who are obliged to appear at
common Musters, as they Shall think fit, to be Ser-
jeants of the said Companies, who Shall be obliged
to Act and continue Such for the Term of one Year,
and if any person after he is so appointed shall
refuse or neglect, to Act and perform their Duty as
Serjeants in the said Companies, respectively, the
person, so refusing to take the office upon him or
neglect his Duty afterwards, Shall for every offence
forfeit the Sum of one pound Sterling, to be re-
covered and Levied as other Fines in this Act are
directed, Provided always that no person Shall be
Subject to Such Fine for not taking the said Office
upon him more than once in Seven years.

31.
Offences by
whom to be
examined
& tryed.

And be it further Enacted by the Authority afore-
said that all offences against this Act shall be ex-
amined heard and tryed Adjudged and determined
in manner following, (that is to Say) all offences
Committed by any field Officer shall be heard tryed
and determined by the Governor of this Province for
the Time being & the majority of His Majesty's
Honourable Council residing in the *the* province,
and

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For Regulating the Militia.

and all Offences committed by any Captain or inferior Commissioned Officer shall be heard tryed and determined by the Majority of the Field Officers, of the Regiment or Troop to which Such Captain or Inferior Officer shall belong, and all Officers committed by any non Commissioned Officer or private Person, who is by this Act obliged to bear Arms Shall be heard trying, adjudged and determined before the Majority of the Commissioned Officers of the Troop or Company, to which Such person shall belong, at Such Time or Times place or places, as the said Officers Shall think fit to assemble and meet together and the said Commissioned Officers of the said Troop or Company, or a Majority of them Shall proceed against Such Offender and offenders, so summoned in the most Expeditious and Summary Way, without observing formalities of Law only examining into the Truth of the Case by the Examination of Witnesses upon Oath and Such other Evidences, as can be speedily had, And upon Conviction of any offender, the said Governor and Council, or Field Officers or Commissioned Officers respectively are fully Authorized and Impowered to Levy the Mulcts or Penalties inflicted by Warrants of Distress, and Sale of the Offenders Goods returning the over-plus if any there be, but in case the Offenders, Shall refuse to produce Goods, then by Warrant to commit the Offenders to the Common Goal, which Warrant shall be in the Words following, that is to Say, Georgia,

By

Commission Officers of the
Company of Foot in

commanded

Form of a
Warrant.

commanded by To the Serjeants of the
said Company and to the Keeper of the Common
Goal in Whereas A. B.
a person inlisted and liable to bear arms, in the
said Company for is by us duely ad-
judged that the said A. B. has forfeited for the
Offence aforesaid the Sum of which
Sum the said A. B. has neglected to pay, by the
Space of Ten Days next after the Adjudication,
These are therefore in His Majesty's name, to
charge and command, you and each of you, forth
with to apprehend the Body, of the said A. B. and
him safely convey to the common Goal, in

and that you deliver him to the keeper of the said Goal, together with this Warrant, commanding you the said keeper, to receive the Body of the Said A. B. and detain him in your Custody without Bail or Main prize, untill he Shall pay and discharge the Fine aforesaid together with all Costs and Charges, attending the Execution hereof, and the Charge of his detainer in Custody hereof fail not. If the Warrant be against the Goods of Offenders, &c. then after the within recital Say These are therefore in his

29

 For Regulating the Militia.

and all reasonable Charges and expences, and the overplus (if any there be) you Shall return or tender to the said A. B. and this shall be your Warrant And in case it shall so happen, that any person or persons, against whose Body such Warrant shall be Granted as aforesaid shall be refractory and refuse to give Obedience thereunto, the Marshals or Serjeants aforesaid or other person or persons to whom Such Warrant shall be directed are hereby impowered and required to demand all necessary assistance to compel Such offender to the common Goal, and all the Charges and expences which Shall attend the Execution of the Warrant of Commitment aforesaid shall be taxed and Ascertained by any Justice of the Peace in this provision who is hereby required to do the same without Fee or Reward and such Taxation shall be delivered to the Keeper of the said Goal together with the said Warrant and such Warrant and such offender shall remain in prison without Bail or Main prize untill the said Fine or Mulct, & the Charges and expences, so taxed shall be fully paid and Sattisfyed

Whereas it may be found difficult personally to Summon Defaulters Be it therefore Enacted by the authority aforesaid That the Serjeants of the Several Company's in the

32.
Particular
Sumon for
Defaulters.

do give Notice by Advertisement in public places of such offenders, and the same shall be deemed to all Intents & purposes equal to a personal Service.

You A B are hereby Summoned to be and appear before the Commissioned Officers of the Company
in

For Regulating the Militia.

in which you are enrolled, Commanded by
on next at the house of
to Shew Cause if any you have why
you Shall not be fined (here insert the Offence) of
this fail not at your peril.

33.
Fines and
forfeitures
how to be
applied.

And be it further Enacted by the Authority aforesaid, That all Fines of the common Men, for Non appearance at general Musters shall be paid and applied to the Use of the respective Serjeants of the Company in which any neglect of appearance at general Musters Shall happen, And also all other Fines Mulcts Penalties, and Forfeitures which Shall be inflicted levyed or recovered by Virtue of this Act, Shall be applyed and disposed, as follows (that is to Say) all Fines and penalties not exceeding Five Shillings Sterling in the foot Service shall be paid and applied to the Use of the Serjeants And all Fines not exceeding Ten Shillings Sterling incurred by any person in the Troop, or Troops, to the Marshal of the Respective Company or Troop, to which the person on whom, the Fine or Fines shall be inflicted doth belong, And all Fines and penalties exceeding the Sum of Five Shillings & Ten Shillings Sterling Respectively shall be to the use of His Majesty, his Heirs & Successors to be applyed to the maintaining and Keeping in Repair the Public Arms of this province, and Shall be paid to his Majesty's receiver or Public Treasurer and Issued by the Governor and Council, for those purposes only, and the Assembly shall have the Inspection of the Accounts for which Orders are drawn, when they apply for the same.

And

For Regulating the Militia.

And be it further Enacted by the Authority aforesaid, that the Marshal of each respective Troop for the time being, shall be & is hereby authorized and required to Execute, or cause Execution to be done of all Warrants Orders and precepts which shall be Issued by the Governor and His Majesty's Council for recovering the penalties, Mulcts & forfeitures inflicted by this Act, And the Marshal of each respective Troop & the Serjeant or Serjeants of the respective Company's shall, respectively execute, or cause execution to be done, of all other Warrants & precepts Issued for the purposes aforesaid, Provided nevertheless That No Execution against the Body and Goods of any Offender shall be Issued 'till such person against whom the Adjudication as aforesaid shall be made, have refused or neglected, to pay their respective fines as aforesaid by the Space of Ten Days next after such Adjudication, anything herein before contained to the Contrary Notwithstanding.

34.
Warrants &
precepts
how to be
executed.

And be it further Enacted by the Authority aforesaid, That in case any person who Shall be duely nominated and appointed Marshall of a Troop or Serjeant of a Company shall after Notice of Such nomination or appointment, refuse or neglect to Execute any Warrant or precept Issued in pursuance of the direction of this Act, and to him or them Directed for the space of twenty days after the Receipt of the same the said Marshall, or Serjeant, shall respectively forfeit for each Offence the Sum of One Pound Sterling to be recovered and disposed of as aforesaid

35.
Persons
neglecting to
execute
Warrants
how to be
dealt with.

And

For Regulating the Militia.

36.
Persons who
settle
where the
Bounds of a
District is
not ascer-
tained,
where to
muster.

And be it enacted by the Authority aforesaid that in Case any Male person who has been in this province, for the Space of three Months, shall settle himself and reside in any part of this province where the Bounds of the Division or District are not certainly known and Ascertained every Such person Shall be entered inlisted or enrolled in the Company of that District or Division which is nearest to the residence or Habitation of such person, And Such person shall be deem'd and adjudged as belonging to such nearest Company, to all intents and purposes Whatsoever.

37.
—(sic)
A List of
all Male
Slaves to be
given by the
Owners to
the Militia
Captain of
the district
where they
are, which
list shall
then be
given to the
Collonel and
by Him re-
turned to the
Commander
in Chief

And whereas it has been found by experience that several Negro's and other Slaves have in Time of Warr behaved themselves with great Faithfullness and Courage in repelling the Attacts of his Majesty's Enemys in their descents on other provinces And have thereby demonstrated that Trust, an Confidence may in Some Instances be repos'd in them. And whereas it is necessary that the Male Slaves in this province should be rendered as serviceable as possible in Times of Warr, or the Invasion of a foreign Enemy, for the better effecting whereof,

Be it further Enacted by the Authority aforesaid, that every Master, Mistress, Owner Manager Attorney or Trustee of or for any Slaves in this province, shall within Six Months next After the passing of this Act return to the Captain or Commanding Officer of the respective Companies of the Militia, in whose Beat, or precinct, such Slaves do live

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live or reside or are Commonly Used and employed a true and Faithful List in Writing of all the Male Slaves of such persons or which are under their care or Management from the Age of Sixteen to Sixty Years & therein specify the Names Age and Country of such Slaves, respectively according to the best of the knowledge and belief of the person returning the same as aforesaid. And to the end that the Number of Male Slaves may be constantly known, the said List shall be renewed and returned as aforesaid by the respective persons —ex as aforesaid, once in every Year on the first Muster day after the Twenty fifth Day of March. And such list shall be returned by the respective Captains to their respective Collonels & by them to the Governor or Commander in Chief, within Two Months after the Same shall be given to the said Captains Respectively.

And be it further Enacted by the Authority aforesaid, That the Governor or Commander in Chief in this province for the time being, be and they are hereby Authorized and impowered to direct an order the several Captains of the Company's of the Militia of this Province, from time to time to enlist in *their*, their respective Company's such and so many of the said Male Slaves, so to be returned to them as aforesaid, which Shall be Recommended to such Captain by the respective Owners or Managers of such Slaves, to be most faithfull and fit for Service as the said Governor or Commander in Chief, by and with the Advice of His Majesty's honourable Council, for the time being, shall in
their

38.
Slaves recommended to be faithful to be enlisted.

 For Regulating the Militia.

their discretion think Necessary for the Service & defence of this province, Provided always that the said number of Slaves so to be enlisted in the Several Companies In this province do not exceed in the whole the number of one third of the white Men, in each respective Company

39.
In times of
Invasion
such Slaves
shall be in-
corporated
with the
Militia &c.

And be it further Enacted by the Authority aforesaid, That the said Slaves so to be enlisted, as aforesaid shall be incorporated into the Respective Company's, in which they are inlisted, and Shall be taken as part thereof, And Shall in Time of General Alarm and Actual Invasion of this province & not otherwise be armed by the respective Owners, or, Managers of such Slaves with one sufficient Gun, one Hatchet, powder Horn and Shott Pouch, with Ammunition of powder and Bullets, for twenty Rounds, and Six Spare Flints, and Shall be Sent by their respective Owners or Managers to the place of Rendezvous of the respective Company's, in which they are enlisted, and which said Slaves shall be then and there commanded and directed for the Service of this province by the Captain or other Commanding Officer of the Company during all such times as the said Company shall be upon Actual Duty or continue under Arms and instead of a pecuniary fining, such Slaves for Breach or neglect of duty, shall be subject to such Corporal punishment, for their Offences, during such Time, as the majority of the Commissioned Officers of the Respective Company's shall think fitt to inflict, not extending to Loss of Live or member.

And whereas it will be Extreemly difficult, if not impossible

 For Regulating the Militia.

impossible, so to proportion the Number of the said Slaves to be enlisted as aforesaid on every particular owner of Slaves in this province so as to make the same an equal Burthen, on all the Owners And whereas it is not just that any of the members of the Community should bear more than their true proportion of the Hazard or expence in the Defence of this province Therefore for the more equall settling the same Be it further Enacted by the Authority aforesaid, that the several owners of the said Slaves, so to be enlisted as aforesaid, shall be paid out of the public Treasury of this province, for the time such Slaves shall be in the Public Service of this province as aforesaid, After the rate of one Shilling Sterling 7d Diem for such Slave and in case it Shall so happen that any Slave so enlisted as aforesaid shall be killed in the Service of this province, the owner of such Slave shall be paid the full value of such Slave, out of the public Treasury, of this province. And in case any Slave in the Service aforesaid Shall be only maimed and disabled the Owner shall be likewise paid out of the public Treasury, the full value of his Loss sustained thereby and to the intent that such Valuation may be Justly and indifferently sett and made between the Public And the Owner of the Slave, the same shall be made oy any three freeholders in this province the one to be named by the Captain or other Commanding Officer of the Company in which such Slave is enlisted, Another to be named by the owner or Manager of such Slave, and the third by the Joint nomination of the two first Freeholders, nam'd

40.
One Shilling
Sterling 7d
diem for the
use of such
Slaves if
kill'd or
Wounded the
owners to be
satisfyed.

as

 For Regulating the Militia.

as aforesaid, and the Valuation to be sett or fixed, by any two of the said Three Freeholders and Certified under their Hands shall be determinate and conclusive between the public and the respective Owners.

41.
Encourage-
ment for
poor free-
men, White
Servants and
Slaves to be-
have man-
fully against
an Enemy.

And Whereas it is necessary that all due and fitting Encouragement should be given to such poor indigent freemen and Servants, and also to Slaves, who shall behave themselves manfully in Fight against the Enemy, in Defence of this province, Be it further Enacted by the Authority aforesaid, That every poor freeman, or White Servant who shall boldly and chearfully oppose the common Enemy, and Shall in fight happen to be maimed or disabled from Labour, every Such poor freeman or white Servant, upon obtaining a Certificate thereof, from the Majority of Field Officers, of the Regiment or Troop, to which such person belongs under their Hands and Seals, shall be from thenceforth, entitled unto and shall receive Yearly And every year, receive out of the public Treasury of this province, The Sum of nine pounds Sterling, but if such freeman so maimed shall be a married man, then he shall be entitled unto and receive out of the public Treasury during his Life and abode in this province, the Sum of Thirteen pounds Sterling yearly, and if it shall so happen that any poor Freeman that is a married man as aforesaid, or hath any Child, or Children, under the Age of Twelve Years, shall so happen to loose his Life in the Service aforesaid that then the Widow of such poor freeman, shall henceforth, during her Widow-
hood

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hood and residence in this province, or the Children of such poor Freeman (where there is no Widow) under the Age aforesaid untill they attain the said Age, shall be entitled unto and receive out of the public Treasury of this Province the Sum of Nine Pounds Sterling yearly, And the field Officers and any two Captains in the Regiment to which such person belongs, Associating themselves together & certifying the same under their Hands, are hereby declared to be proper Judges of the poverty or Indigence of every person so Maim'd and disabled, or kill'd so as to Intitle them or their Widows and Children respectively, to the respective Bounties or allowances as aforesaid. And every White Servant in the said Companies, and also every Negroe or other Slave so enlsited as aforesaid, who shall actually engage the Enemy, in times of Invasion of this Province, and Shall Courageously behave themselves in Battle so as to kill any one of the Enemy, or take a prisoner alive or Shall take any of their Colours, every Such White Servant and Slave Shall upon due proof thereof either by Certificate of a field Officer or Captain of any Company under his hand who shall happen personally to see the Action or shall be informed thereof by the Oaths of two credible white persons, shall be and he is hereby declared to be from thenceforth, free and absolutely discharged from all Slavery and Service whatsoever, and the Owner or Owners of such white Servants and Slaves, so declared to be free, shall be sattisfyed for the full Value of such white Servants and Slaves out of the public Treasury of this Prov-

ince

 For Regulating the Militia.

ince, such Valuation to be made and sett in the same manner, as is herein before declared for the Valuation of Slaves killed in the service. But in case such enlisted Slaves shall manfully Behave themselves in fight with the enemy, but shall not have such success as to kill or take any enemy or any of their Colours, but who shall yet remarkably, behave him, or themselves, in the Engagement, so as to deserve public Notice, every such Slave upon obtaining Certificate thereof, under the hand of any field Officer, who shall certifye such action, either from his own personal knowledge, or upon the Oaths of any two Creditable white Servants shall be entitled to and receive from the public Treasury Yearly, and every *Yr.* a Livery Coat, and pair of Breeches, made of good red Negro Cloth turn'd up with Blue, and a Black Hat and pair of Black Shoes, and shall that Day in every Year (during their Lives) on which such Action Shall be perform'd be free'd and exempted from all personal Labour & Service to their owner or Manager.

—ex

—ex

^{42.}
Which Encouragement shall be published at the Head of every Company.

And to the Intent that the Encouragement herein before mentioned, to be given to poor Freemen Servants and Slaves to behave themselves faithfully and Courageously in the Service of this province, in Times of Warr, or Invasion may be *may be* more publicly known, Be it enacted by the Authority aforesaid, That the Clauses of this Act relating to such Encouragement together with this Clause, shall be publicly Read by the respective Captains of each Company of the Militia of this province at the head

For Regulating the Militia.

head of their Company's on the next muster day of their respective Company's after the Passing of this Act, and every Captain who shall neglect to Publish the same as aforesaid shall forfeit and pay the Sum of one pound Sterling to be recovered by a Justice of the Peace of the respective District, where such omission shall be made, by Warrant under his hand and Seal, and such Forfeiture shall be applied to the Use of that Company; where such Omission shall be made, for purchasing Drums Colours & other Military Implements for that Company.

And be it further Enacted by the Authority aforesaid, That every Master, Mistress, Owner, Manager Attorney or Trustee of or for any Slave or Slaves, as aforesaid, who shall refuse or neglect to make out, or give in, and from Time to Time to renew a List of their several Male Slaves as aforesaid is directed, every Such Owner or Manager shall for every such refusal or neglect, Forfeit and pay any Sum not exceeding two pounds Sterling, and every Such Owner or Manager residing where such Slaves are employed who shall refuse or neglect to Send or bring his said Slaves that shall be enlisted in the Militia as aforesaid, at all times of Alarm and Invasion to the place of Rendezvous of the respective Company's in which Such Slaves shall be Enlisted, after such Owner or Manager hath had Notice of such Slaves being Enlisted in the said Company from the Captains of such Company's, every such Owner & Manager Shall respectively, for every such refusal or neglect for every Such Slave

⁴³
Penalties on
persons who
don't give
in Lists of
their Slaves
or send them
to the Ren-
dez vous in
times of
Alarm.

So

 For Regulating the Militia.

So Enlisted, forfeit and pay the Sum of Ten Pounds Sterling, which said Forfeiture shall be recovered by a Warrant under the Hands of a Majority of Field Officers of the Regiment, to which such person belongs and be paid and applyed to such uses as the general Assembly Shall direct & appoint.

44.
Persons
Sued may
plead the
general
Issue.

And be it further Enacted by the Authority aforesaid that if any person or persons Whatsoever shall be sued impleaded Molested or prosecuted, for any Matter, Cause or thing, whatsoever done or Executed or Cause to be done & Executed by virtue of or in pursuance of this Act and all and every person or persons, who shall or may by the Command or in Aid or assistance of any Person who shall do or Execute or cause to be done or Executed, any Matter or thing by Virtue of, or in pursuance of this Act, shall and may plead the general Issue, and give this Act and the special Matter in Evidence, and in case the Plaintiff or Prosecutor shall suffer a discontinuance, enter a Noli Prosequi, suffer a Non Suit or if a Verdict or Judgment, shall pass against him he shall pay to every defendant that shall be acquitted or for whom Judgment shall pass his full double Costs of suit for which any Court in this province where such prosecution shall be brought, are hereby fully Authorized & impowered to give Judgment and award Execution accordingly.

And be it further Enacted by the Authority aforesaid, To the Intent that no person may plead ignorance, in regard to the Duty's contained in this
Act

For Regulating the Militia.

Act and the Penalties, incurred for non compliance, or disobedience thereto the several Superior Officers in each Regiment Troop or Company Shall at least once a Year Read or Cause to be read at the head of his Regiment Troop or Company, by the Serjeant or other Inferior Officer, a List of Fines or Mulcts, for Non performance of Duty, and cause the same by Advertisement to be at that Time fixed in some public place at or near the Muster Field or on the high Road that shall be nearest the same, on failure of which publication and Notice as aforesaid the said Superior Officer, shall pay to the Public Treasurer, a Fine not Exceeding twenty Shillings Sterling for the use of the Serjeants of the said Company respectively where the neglect shall be made, to be recovered in the same manner as other Fines and forfeitures in this Act before mentioned

45.
Officers to
cause to be
read at
least once
a year, a
List of
Fines at the
Head of
their Regi-
ments, etc.

And be it further Enacted by the Authority aforesaid, That this Act shall be and continue in Force for and during the Space of Three Years and from thence to the End of the Next Sessions of the general Assembly, and no longer.

46.
The Dura-
tion of
this Act.

By Order of the House

DA: DOUGLASS, Speaker.

Council Chamber

24th January 1755.

Assented to

J. REYNOLDS.

Passed

 Paper Bills of Credit.

Passed the Assembly	Secretary's Office
the 18 th January	True Copy taken from
1755.	the Original certified
Passed the Council	By
the 22 ^d January	JAMES HABERSHAM, Sec ^y .
1755	

(From B. P. R. O.—B. Of T., Georgia.)

AN ACT

*For Stamping, Imprinting, emitting, and making
Current the sum of Seven Thousand Pounds
Sterling in Paper Bills of Credit, to be let out
at Interest on good Securities at Six 7/8 cent.
7/8 annum, and for applying the said Interest*

Preamble.

Whereas the Gold and Silver Coin being frequently carried out of this Colony. The Inhabitants are thereby laid under many Inconveniences and Hardships, and are rendered incapable of raising Money to pay any Tax that may be levied for the Support or Relief of this your Majesty's Colony, for want of a Sufficient Sum of money to be Current among them....We therefore your Majesty's most Dutiful and Loyal Subjects, humbly pray that it may be Enacted, And be it enacted, by the Governor, Council and Assembly of this Your Majesty's Province, that it shall and may be Lawful for the Commissioners herein after named and appointed, and the said Commissioners are hereby

required

Enacted

That £7,000
in Bills
be stamp'd
and im-
printed.



See in general

A N A C T

Intituled, An Act to oblige the Male white Persons in the Province of Georgia to carry Fire-arms to all Places of publick Worship.



HEREAS it is absolutely necessary, for the security and defence of this province against domestick insurrections, and other fatal consequences, in this time of imminent danger, that fire-arms be carried to all places of publick worship, We therefore humbly pray your most sacred Majesty, that it may be enacted, *And be it Enacted*, by his Honour

Preamble.

Enacted.

HENRY ELLIS, Esquire, Lieutenant-Governor and Commander in chief of his Majesty's province of *Georgia*, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That every white male person in this province, from the age of sixteen years and upwards, except only those who are not obliged to appear under arms in case of alarm, shall, immediately after the passing of this act, carry with them on *Sabbath-days*, fasts, and festivals, to such place of publick worship that he may go to within the town or district where such person shall reside, one good gun, or pair of pistols, with at least six charges of gun-powder and ball.

Persons obliged by this act to carry fire-arms to places of publick worship.

II. *And be it Enacted*, by the authority aforesaid, That every person, neglecting or refusing to bring arms and ammunition to the places of publick worship as aforesaid, shall forfeit for every such offence a sum not exceeding three shillings, to be recovered by warrant of distress from any justice of the peace for the town or district where the offence is committed, the one half of the said fine to go to the informer, and the other half for the use of the poor of the district where the offence is committed; *Provided always*, that this act shall not be construed to extend to oblige the inhabitants of *Savannah*, or any other towns in this province, to perform the duty enjoined by this act at any time hereafter, if his Majesty's troops, companies, or provincials, should be stationed therein, whereby a proper guard may be constantly kept on duty.

Penalty on persons refusing to do as herein required.

III. *And be it further Enacted*, by the authority aforesaid, that this act, and every thing herein contained, shall be and continue in force for the space of two years, and no longer.

Continuation of this act.

DAVID MONTAIGUT, *Speaker*.
By order of the Upper House,

PATRICK HOUSTOUN,

Assented to 28th July, 1757,

HENRY ELLIS,

For Regulating the Militia.

such offence, forfeit the sum of one thousand pounds sterling money of Great-Britain, the one half thereof to his majesty, his heirs and successors, for the use of the province, and the other half to him or them shall sue for the same, by action of debt, of information in the general court of this province, in which no protection, essoign, privilege, or wager of law, or more than one emparlance shall be allowed.

By order of the Commons House of Assembly.

DAVID MONTAIGUT, Speaker.

By order of the Upper House.

PATRICK HOUSTOUN, President.

Council Chamber, February 15, 1758.

Assented to.

See also original
pp. 250, 251

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

A N A C T

to amend and continue an Act Intitled an Act for regulating the Militia of this Province and for the Security and better defence of the same.

Whereas by an Act of the General Assembly of this Province passed the twenty fourth day of January

Preamble.

322. Ga.—*General Assembly; Col. Recs. . . . Vol. 18, Candler, 1910; Act, Mar. 15, 1758, pp. 249-252.*

 For Regulating the Militia.

Enacted
that after
17th March
1758 every
Colonel or
field Officer
may ap-
point a Gen-
eral Muster
of his Regi-
ment once a
year, & also
for every
Captain to
muster his
troop or
Company,
not exceed-
ing Six
Times a
year. Any
Colonel or
field Officer
neglecting
to appoint a
General
Muster once
a year shall
be fined £6
stg. Every
Captain or
Commanding
Officer of a
Troop or
Company
neglecting
to appoint
Ordinary
Musters at
least three
times a
year, to be
fined not ex-
ceeding £3
stg.

uary in the year of our Lord one thousand seven hundred and fifty five Intitled an Act for regulating the Militia of this Province and for the Security and better defence of the same, it is not Lawfull for Captain or other Commanding Officer of the several Companies of Militia in this Province to Assemble Muster train and exercise their respective Companies or any of them for ordinary & General musters oftner than Six times in one year, And Whereas the said Act doth not direct or specify how many General musters there shall be of the Militia in a year of each Regiment and it being necessary to fix the number of times each respective regiment shall be obligd to muster yearly We humbly pray your most sacred Majesty that it may be enacted And be it Enacted by His honour Henry Ellis Esquire Lieutenant Governor & Commander in chief of the Province of Georgia by & with the Advice & consent of the Honourable Council and Commons House of Assembly of the said Province in General Assembly met, and by authority of same, That from and after Seventeenth day of March in the year of our Lord one thousand Seven Hundred and fifty eight it shall & may be lawfull for every Colonel or in his absence the next commanding field Officer to appoint one General muster of their respective regiments once every year, And also for every Captain of a company or Troop or in his absence the next Officer in Command to muster their respective Troop or Company not exceeding Six times in one year, And if any Colonel or in his absence the next field Officer shall refuse or neglect to appoint a General Muster of his or their respective regiments

once

For Regulating the Militia.

once a year such Colonel or Commanding Field Officer shall be fined not exceeding Six pounds sterling for every such refusal or neglect, And if any Captain or commanding Officer of a Troop or Company shall refuse or neglect to appoint ordinary musters of his or their respective Troop or Company at Least three times in one year such Captain or Commanding Officer of a Troop or company shall be fined not exceeding Three Pounds Sterling for every such refusal or neglect to be tried recovered and Applied as directed by the before mentioned Act any thing in the said Act or in this Act contained to the contrary thereof in any wise notwithstanding Provided nevertheless that it shall & may be lawfull for every Colonel or in his absence the next field Officer in Command to muster their respective Regiments in such divisions of the said Regiments and at such different times and places as he or they shall in their discretion think Convenient, And Whereas the said Act Intitled An Act for regulating the Militia of this Province and for the Security and better defence of the same, is near expiring Be it further Enacted by the authority Aforesaid that the said Act which was to be in force for three years from the said twenty fourth day of January one thousand Seven Hundred & fifty five and from thence to the end of the next Session of the General Assembly shall be and the same is hereby together with the alterations and amendments herein before mentioned continued from the expiration thereof untill the twenty fourth day of January One thousand Seven hundred and Sixty

provided that every Colonel or field Officer may Muster their regiments in such divisions & at such times and places as they shall think fit.

further Continuance of the former Act & Continuance of this Act.

one

 For Erecting Forts.

one, and from thence to the end of the then next Session of the General Assembly and no longer.

By order of the House

DAV^D. MONTAIGUT Speaker

By order of the Upper House

PAT. HOUSTOUN.

In the Council Chamber the 15th day of March 1758.

Assented to

HENRY ELLIS.

(From B. P. R. O.—B. of T., Georgia.)

A N A C T

Title.

to explain and amend an Act passed in the last Session of the present General Assembly of this Province Intituled an Act for the Security and Defence of the Province of Georgia by erecting Forts in the Several Parts thereof and for appointing Commissioners to carry the same into Execution.

Preamble.

Whereas by an Act passed in the Last Session of this present General Assembly Intituled an Act for the Security & Defence of the Province of Georgia by erecting Forts in the several parts thereof and for appointing Commissioners to carry the same into

For Putting in Force the Militia Act.

Accounts before the general Assembly when there-
unto required.

By order of the Common House of Assembly

DAV^D. MONTAIGUT Speaker.

By order of the Upper House of Assembly

JAMES HABERSHAM.

In the Council Chamber
the 24th day of April 1760

Assented to

HENRY ELLIS.

See also original
p. 427

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

Title

*For the more Effectual putting in Force the Militia
Act of this Province.*

Preamble

Whereas it is of the highest Importance at this
And all other times of imminent Danger that
Guards should be kept in all the Towns through-
out this Province as well as all other places where
the respective Commanders shall see it necessary,
And Whereas it is doubted whether the Militia of
this Province are obliged to do Guard and Patrol
duty except when part of each Company are actual-
ly

324. Ga.—*General Assembly; Col. Recs.* . . . Vol. 18, Candler,
1910; *Act, Apr. 24, 1760, pp. 426-429.*

For Putting in Force the Militia Act.

ly marched out of their proper and respective Districts and Divisions, We therefore Humbly pray your most Sacred Majesty that it may be enacted, And be it Enacted by his Excellency Henry Ellis Esquire Captain General and Governor in Chief of the Province of Georgia, by and with the advice and Consent of his Majesty's Honourable Council & Commons House of Assembly of the said Province in General Assembly met and by the Authority of the same That immediately from and after the Passing of this Act, and in all Times of Danger after an Alarm has been fired agreeable to the Directions of an Act of the first General Assembly of this Province intituled an Act for regulating the Militia of this Province and for the security and better Defence of the same, It shall and may be Lawfull for the Commanding Officer or Officers of any Company or Troop of Foot or Horse Militia and they are hereby required upon receiving Orders from the Governor or Commander in Chief or Commanding Officer of the Militia so to do to make out Lists of all the Militia men of their Several Companies as well alarm Men as others, and to Subdivide the same into Separate Guard or Patrol Lists, and shall cause the persons whose names are written in such Lists to be summoned in Rotation by the Serjeants of their respective Companies to appear compleatly armed and accoutred as by the aforesaid Act is required at the Times and places appointed by the Commanding Officers of the said Companies and there and then to do Guard or Patrol Duty and every such person so inlisted shall

observe

Enacted

After Alarm fired Officers of Militia, upon receiving orders from the Governor, to make Lists of all the men in their Companies, and subdivide them into Guard or Patrol Lists & Persons whose names are contained in Sd. Lists, to do Guard and Patrol duty in Rotation.

 For Putting in Force the Militia Act.

Command-
ing
Officers to
appoint an
Officer or
Serjeant to
command
every Guard.

Penalty on
Officer of
Guard neg-
lecting Duty.

Penalty on
Serjeant
neglecting
duty.

Penalty on
other per-
sons neglect-
ing or refus-
ing to do
duty.

Fines & For-
feitures how
to be recov-
ered and ap-
plied.

Fines &
Forfeitures
inflicted by
Militia Act
& directed
to be levied
by distress
& sale of
the Goods &
Chattles of
the Offender
to be levied
on his lands
& Tenements
in case of
no Goods &
Chattles &
in case the
Offender
shall have
withdrawn
himself out
of this
Province.

observe Strict Orders and Discipline and shall fol-
low all such lawfull Orders and Directions as the
Officers of the Guard shall direct to be observed and
performed and shall be liable for neglect or Refusal
to the same Fines and Penalties directed by the be-
fore recited Militia Act and applied as herein after
directed And be it further Enacted by the author-
ity aforesaid that the said Commanding Officers
shall to every such Guard appoint an Officer or Ser-
jeant to Command the same, And if any Officer
whose turn it is to do duty shall refuse or neglect
to repair to the place and at the Times appointed
by the Commanding Officers and there to do the
Duty required of him, every such Officer so refus-
ing or neglecting as aforesaid shall forfeit and pay
a Sum not Exceeding five pounds Sterling. And
every Serjeant who shall refuse or neglect to sum-
mon the persons who are to do Duty shall for
every person he shall so neglect to Summon forfeit
and pay a Sum not Exceeding Ten Shillings, And
every Person so Summoned in person or by Notice
of the Serjeant, to be left at his place of Abode at
farthest the Evening before the Guard Night, such
Person is to be on duty, refusing or neglecting to
appear at the Time and Place in manner as is be-
fore directed shall forfeit and pay a Sum not ex-
ceeding Ten Shillings, All which aforesaid Fines
and Forfeitures shall be recovered in manner di-
rected by the before recited Militia Act And shall
be applied towards defraying the Expences of pro-
viding Fire, Candles, and a Drum for such Guard,
the Overplus, if any there be, to be equally divided
between the Serjeants of the respective Company

or

 For Putting in Force the Militia Act.

or Companies for their Trouble of Summoning the Guards. And be it further enacted that all Fines and Forfeitures inflicted by the said afore recited Act in Cases of alarm or Danger which were by the said Act directed to be levied by Warrant of Distress and Sale of the Goods and Chattles of the Offender, or in Case no Goods and Chattles were to be found by Committment of the Body of the Offender, to the Common Goal in Case such Offender or Defaulter shall have no Goods or Chattles within this Province whereon the said Fines may be levied and the Offender or Defaulter shall have withdrawn himself or removed out of the Limits of this Province it shall and may be lawful to Seize the Lands and Tenements of such Defaulter or Offender and to Sell the same or such part thereof as shall amount to the Value of the said Fine, giving twenty Days notice of such Sale, the Overplus, if any, to be paid into the Hands of his Majesty's Treasurer and to be by him paid to the Defaulter or Offender in Case he shall Claim the same within three years, otherwise to be applied for keeping the Fortifications of this Province in Repair.

By order of the Commons House of Assembly
DAV^D. MONTAIGUT Speaker

By Order of the Upper House of Assembly
JAMES HABERSHAM

In the Council Chamber
the 24th day of April 1760.

Assented to,
HENRY ELLIS
From

Regulating the Militia.

such by all judges, justices and magistrates, and in all courts within this province, without special pleading; and shall continue in force for the space of seven years, and from thence to the end of the next session of the General Assembly, and no longer. Its continuation.

By order of the Commons House,

LEWIS JOHNSON, *Speaker*.

By order of the Upper House.

JAMES HABERSHAM, *President*.

JAMES WRIGHT.

February 29th, 1764.

See also original
p. 620

(State Archives.)

AN ACT

For continuing several Laws therein mentioned, for regulating the Militia; for the better ordering and governing Negroes and other Slaves; for the empowering Surveyers to lay out public Roads; for laying an Impost on Shipping; and to prevent Horse-stealing.

.. WHEREAS the several Laws herein after mentioned are near expiring; We therefore pray your most sacred Majesty that it may be Enacted AND
Be

323. Ga.—*General Assembly; Col. Recs. . . . Vol. 18, Candler, 1910; Act, May 29, 1764, pp. 619-620.*

Regulating the Militia.

Enacted

That an Act
Passed in
1755 for
regulating
the ts Mili-
tia, with the
amendm.
and contin-
uations in
1758 and
1761 to be
further con-
tinued until
January
the 1st.
1765.

BE IT ENACTED by his Excellency James Wright Esquire Captain-general and Governor in chief of his Majesty's Province of Georgia by and with the Advice and Consent of the honourable Council and Commons House of Assembly of the said Province in general Assembly met and by the Authority of the same That an Act passed the Twenty fourth Day of January in the Year of our Lord One thousand seven hundred and fifty five intituled an Act for regulating the Militia of the Province of Georgia which was to continue and be in Force for three Years and from thence to the End of the then next Session of the general Assembly And by an Act passed the fifteenth Day of March One thousand seven hundred and fifty Eight was amended and further continued until the twenty fourth Day of January One thousand seven hundred and sixty one and from thence to the End of the then next Session of the General Assembly And by an Act passed the ninth Day of June One thousand seven hundred and sixty one was further continued for three Years and from thence to the End of the then next Session of the general Assembly, shall be, and the same is, together with the Alterations and Amendments by the above mentioned Act made, hereby further continued until the first Day of January One thousand seven hundred and sixty five and from thence to the End of the then next Session of the general Assembly.—

AND BE IT FURTHER ENACTED by the Authority aforesaid that an Act intituled an Act for the better ordering and governing Negroes and other

A N A C T

For the better ordering the Militia of this Province.

WHEREAS a well ordered and well disciplined militia is essentially necessary to the safety, peace, and prosperity of this province, And whereas the law now in being for the regulation of the militia is near expired, We humbly pray your most sacred Majesty that it may be enacted, And be it Enacted, by his Excellency JAMES WR GHT, Esquire, Captain-General, Governor, and Commander in Chief, in and over his Majesty's province of Georgia, by and with the advice and consent of his Majesty's Honourable Council and the Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That whereas the governor or commander in chief for the time being hath full power and authority from time to time to constitute and appoint, and give commissions to such persons as he shall think fit to be colonels, majors, adjutants, captains, and other commission officers, it shall and may be lawful to and for the governor or commander in chief for the time being aforesaid to assemble and call together all male persons in this province, from the age of sixteen years to sixty years, within the towns, divisions, or parishes and places in this province, at such times, and arm and array them in such manner as is hereafter expressed and declared, and to form them into companies, troops, and regiments, and, in case of insurrection, rebellion, or invasion, them to lead, conduct, or employ, or cause to be led, conducted, and employed, as well within the said towns, divisions, parishes and places, where such persons reside, as into any other division, parish, or places, within this province, for suppressing all such insurrections and rebellions, and repelling such invasions as may happen to be.

Preamble;

Enacted,

That the governor or commander in chief may assemble all male persons within this province from 16 to 60 years of age, and arm and array them, &c;

II. *Provided always, And be it Enacted, That every commissioned officer in the militia shall, within six months after he shall have accepted his commission, take the oaths appointed to be taken in and by an act passed in the first year of the reign of his Majesty King George the first, intituled, An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors, and shall also make, repeat, and subscribe the declaration in the said act mentioned.*

Commissioned officers to take the oaths appointed by an act passed in the first year of the reign of his Majesty King George the first within six months after accepting their commissions.

III. *And be it further Enacted, by the authority aforesaid, That in every division within this province there shall be formed one or more regiment or regiments, and within every parish in the respective divisions one or more company or companies, which said regiments and companies shall consist of such number of men as the governor or commander in chief for the time being shall think proper.*

Regiments and companies to be formed.

IV. *And be it further Enacted, by the authority aforesaid, That it shall and may be lawful to and for the colonel, or in his absence the next field officer, of every regiment hereafter to be formed in this province, on any days and times when any three or more of the companies shall be assembled, to be trained, mustered, or exercised, within ten miles of one another, to*

Colonels to train and exercise the companies in battalions.

I

cause

cause such companies to assemble together, at some convenient place within the division or parish of such regiment to which such companies shall respectively belong, and there to train and exercise such companies in battalions, in such manner and form as such colonel or other field officer shall think fit, any thing in this act to the contrary notwithstanding, excepting all companies that may hereafter be formed upon any islands along the sea coast in this province, and in the mean time the inhabitants of the said islands shall not by this act be obliged to appear but at ordinary musters, and at the nearest place of muster, three times a year.

Commissioned officers not leading their companies to general musters, or not training them in battalions, to forfeit 3l.

V. And be it further Enacted, by the authority aforesaid, That every captain, or other inferior commissioned officers; of any company within this province, who shall refuse or neglect to conduct or lead his company, or to attend the same, to the place of rendezvous of any general muster hereby appointed, or to the exercising of the companies in battalions, according to the directions of this act, every such captain, and other inferior commissioned officer, of any company, who shall so refuse or neglect as aforesaid, shall for every such offence forfeit and pay the sum of three pounds *Sterling*, and the said offences shall be heard, tried, and determined, and the said fines levied, in the same way and manner as other offences of captains, or other commanding officers of companies, by this act are directed to be tried, heard, determined, and levied.

Colonels to appoint one general muster of their regiments once a year, and captains to exercise their companies six times a year.

VI. And be it further Enacted, by the authority aforesaid, That it shall be lawful for every colonel, or in his absence the next commanding field officer, to appoint one general muster of their respective regiments once every year, and also for every captain, or other commanding officer, of the several companies in this province, to assemble, muster, train, and exercise, their respective companies, or any of them, for ordinary musters, at any time or times, not exceeding six times in one year, giving notice of such muster by beat of drum, or in such other expeditious manner as such colonel, captain, or other commanding officer, shall think fit; ~~Provided~~ also, and it is hereby declared, that no person or persons whatsoever shall be compelled or obliged, at any general muster, to go out of the division where such person resides, nor, at ordinary musters, to go above twelve miles from where he dwells, nor to remain at the place of such ordinary or general musters above one day, except in time of actual rebellion, insurrection, or invasion, or in other cases herein after particularly mentioned and provided, nor shall this act, or any thing herein contained, be deemed, construed, or taken to extend to the giving or declaring any power for transporting or sending any of his Majesty's subjects in this province, or any way compelling them to march out of this province.

Proviso.

Captains of companies to enter, &c. all the names of the male inhabitants in their several divisions and parishes from 16 to 60 years and cause them appear at ordinary musters, &c.

VII. And be it further Enacted, by the authority aforesaid, That the captains of the several companies in each division or parish in this province shall respectively enter, enlist, and enroll the names of all the male inhabitants of this province, from the age of sixteen to sixty years, within their several and respective parishes and divisions, and shall cause the several persons so enlisted to be duly summoned to appear at the times and places appointed for ordinary musters in each respective parish and division, and the publishing the muster days aforesaid shall be deemed a sufficient summons within the intent of this act to oblige the persons liable to appear at such musters, and the persons whose names shall be so entered, enlisted, and enrolled, shall be deemed and held to be enlisted in and to belong to the company of that parish or division in which they shall be so enlisted and enrolled, and

and shall be obliged to appear at musters, and on all other occasions, and to be subject to the directions of this act without any further notice whatsoever.

VIII. And be it further Enacted, by the authority aforesaid, That every person liable to appear and bear arms at any muster, exercise, or training, hereby appointed, pursuant to the directions of this act, shall constantly keep and bring with him to such muster, exercise, or training, one gun or musket fit for service, one cartridge-box with at least nine cartridges filled with good gunpowder, and ball that shall fit his piece, a horn or flask containing at least a quarter of a pound of gunpowder, and a shot pouch with half a pound of bullets, one girdle or belt, one worm or picker, four spare flints, a ball of bees-wax, and a cork that shall fit his piece, a bayonet, sword, or hatcher; of the fitness and sufficiency of which arms every commanding officer of the company to which such person belongs is hereby declared to be judge.

Every person liable to bear arms to bring with them to every muster the articles herein mentioned.

IX. And be it further Enacted, by the authority aforesaid, That in case any person liable to appear and bear arms at musters as aforesaid shall neglect or refuse to appear completely armed and furnished as aforesaid at any general muster of the regiment to which the company in which he is entered and enlisted shall belong, every such person shall forfeit and pay a sum not exceeding twenty shillings *Sterling*; and in case any such person shall neglect or refuse to appear, in manner aforesaid, at any ordinary muster, every such person shall forfeit and pay a sum not exceeding ten shillings *Sterling*, which said several penalties shall be recovered and disposed of as is herein after directed.

Every person not appearing armed and furnished as by this act directed to forfeit 20s. if a general muster, and 10s. if an ordinary one.

X. And be it further Enacted, by the authority aforesaid, That it shall and may be lawful for the commission officers of any of the companies or troops of this province, six times in the year, and not oftener, to take to their assistance if they think fit the serjeants of such companies, and, at any convenient time of the day, to repair to the places of residence of any person or persons, as well those persons obliged to appear on alarms as to other persons liable to bear arms, and entered and enlisted in any such company, and to demand a sight of their arms, furniture, ammunition, and accoutrements aforesaid, and in case any person or persons shall neglect or refuse to produce any such arms, furniture, ammunition, and accoutrements, or to suffer the same to be viewed and inspected, or if when produced the said officers shall find the same defective, it shall and may be lawful for the said officers to fine every person offending herein in any sum not exceeding five shillings *Sterling*, and to proceed against him or them for levying the same in all respects after the same manner as is directed for proceeding against persons who do not appear at ordinary musters.

Commission officers and serjeants may six times in a year inspect the arms, &c. of persons liable to bear arms, and finding them defective, or any person refusing to shew them, may fine such person 5s.

XI. And whereas it may be convenient and necessary, on some particular and special occasions, to assemble the said companies at other times than are usually fixed for ordinary musters, it is therefore further Enacted and declared, That whenever any of the said companies shall be assembled or mustered on any particular and special occasion, such assembling and mustering shall be esteemed and accounted as a muster day, and one of the six times on which the companies are obliged to muster in one year; *Provided* always, that the said general muster of any of the said companies, according to the directions of this act, shall not be esteemed nor accounted as and for one other of the six times on which the said companies are obliged to muster in one year, any thing in this act to the contrary notwithstanding; *Provided* also, that no company or companies in this province be assembled on such special

Any company mustering on a particular occasion, such mustering to be taken for one of the six muster days in the year.

Proviso.

Proviso.

special

Proviso.

The governor may form a troop or troops of horse.

Persons enlisted in said troop or troops to provide themselves as herein required, and to be excused from service in any other regiment, &c. Proviso.

Said troop or troops shall attend the governor in times of rebellion, &c.

cial and particular occasions without the order, command, or direction of the governor or commander in chief of this province for the time being; ~~Provided~~ also, that this clause shall not be construed to hinder the assembling of any of the said companies, or parts thereof, for suppressing insurrections, pirates, sea rovers, or fugitive slaves.

XII. ~~And whereas~~ it may very much contribute to the safety and welfare of this province to have a troop or troops of horse in readiness on particular and extraordinary occasions, ~~be it further Enacted~~, by the authority aforesaid, That the governor or commander in chief for the time being be hereby authorized and empowered, from amongst the inhabitants of this province who have sufficient substance to undergo the charge, and will voluntarily come and enlist, to form a troop or troops of horse, not exceeding in the whole two hundred men, and it shall and may be lawful for the commission officers appointed to command such troop or troops to muster, train, and exercise them, not less than four times in one year at *Savannah*, or such other place as the governor or commander in chief shall direct and appoint.

XIII. ~~And be it further Enacted~~, by the authority aforesaid, That every person who shall enlist in the said troop or troops so to be formed shall provide himself with a good and able horse, and with such cloaths, arms, ammunition, and furniture, as the majority of the officers shall agree upon, and every person or persons so enlisted in the said troop or troops shall be excused and exempted from all service whatsoever in any other regiment, troop, or company whatsoever, (the patrol duty excepted;) ~~Provided~~ no person whatsoever shall be admitted to enlist in the said troop or troops unless he shall be first approved by the colonel of the said troop or troops, and every person so enlisted shall obtain a certificate from the colonel of the said troop or troops, which certificate the person so enlisted shall produce to the captain or commanding officer of the company of such division or parish where the persons so enlisted shall live and reside, and until the person so enlisted shall have produced and shewn such certificate, he shall be liable and subject to all the penalties and forfeitures inflicted by this act for not keeping arms, or not appearing at the musters, trainings, and exercises, directed by this act, and the person so enlisted shall not be discharged from the same without giving three months notice in writing to the colonel, or other commanding officer, of the said troop or troops, of his intent to be discharged, and shall produce a certificate at the end of the said three months to such commanding officer that he is enlisted in the foot company of the division or parish where he resides, and upon such notice given, and certificate produced, he shall be discharged from the said troop to which he belongs, and not otherwise.

XIV. ~~And be it further Enacted~~, by the authority aforesaid, That in time of any actual rebellion, insurrection, or invasion, the said troop or troops shall attend the governor or commander in chief for the time being, in any part of this province where the governor or commander in chief shall go or be in person, and in such times of rebellion, insurrection, or invasion, shall march, ride, or go to any place within this province where the said governor or commander in chief for the time being shall judge their service shall or may be required, and shall on all other occasions attend the said governor or commander in chief, upon notice given in the publick newspaper, or being personally summoned by any person appointed for that purpose by the colonel or other commanding officer of the troop or troops, and if any person enlisted in the said troop, or either of them, shall neglect or refuse to

to appear at the days and times so appointed, upon able horses, and with such cloaths, arms, and other accoutrements, as the majority of the officers shall agree upon, or after appearing shall refuse to march where ordered within this province, every such person shall forfeit a sum not exceeding ten pounds *Sterling*; and if any person so enlisted in the said troop or troops, or either of them, shall neglect or refuse to appear, at the days and times appointed for musters, armed and accoutered as aforesaid, every such person shall forfeit a sum not exceeding twenty shillings *Sterling*, to be recovered and applied as is herein after directed.

XV. And be it further Enacted, by the authority aforesaid, That every able male person, from the age of sixteen to sixty years, who has once resided and shall be within this province for the space of three months, (slaves excepted) is hereby declared to be liable to bear arms in the regiment, troop, or companies, in this province, or some or one of them, according to the directions of this act, except the several persons herein after particularly mentioned; who shall be excused and exempted from appearing at general and ordinary musters, at such times and in such manner as is herein after mentioned and provided, that is to say, all such persons who are members of his Majesty's council, and their officers, for the time being, the members of the assembly for the time being, and their officers, the secretary of the province, the receiver-general and auditor, the chief-justice and justices of the court of common pleas, the attorney-general, the attornies of the said court, the clerk of the crown and pleas, the provost-marshal, the master and register of the high court of chancery for the time being, the judge of the vice-admiralty, the officers of his Majesty's customs, the surveyor-general of his Majesty's lands in this province, the clergy, the catechist of *Savannah* for the time being, the publick treasurer, the powder-receiver, comptrollers, waiters, and commissary, for the time being, his Majesty's justices of the peace who shall actually qualify themselves and act as such, and no other; ~~Provided~~ that all the persons aforesaid, (the members of his Majesty's honourable council, and of the assembly, and the officers, and the pilots and ferrymen, only excepted) shall, in the time of rebellion, insurrection, or actual invasion, attend under the proper colours of the company in the division or parish in which such persons shall actually live and reside, completely armed and furnished as in this act is directed for the foot soldiers, or shall attend the governor or commander in chief for the time being with horse and arms in the same manner as the troops are herein before directed, on pain of forfeiting the sum of twenty pounds *Sterling*.

Persons liable to bear arms, and persons exempted.

Proviso.

XVI. And be it further Enacted, by the authority aforesaid, That every master, or other person who hath the power over, government, or command of any indented man servant, who shall be employed within this province, shall, at his and their own proper costs and charges, furnish and provide every such indented servant, during his servitude, with the arms and furniture directed by this act, and every master, and other person as aforesaid, shall constantly keep such arms and furniture aforesaid for every such indented servant, and shall send him or them so completely armed and furnished as aforesaid to all musters, trainings, and exercise directed by this act, and in case such indented servant shall not appear, or his arms and furniture should be found deficient, the master, or other person as aforesaid having the government of such indented servants, shall, on default made in any of the premises, be subject to the same forfeitures and penalties as are inflicted on other persons made liable to appear by this act and bear arms at

Masters of indented servants to furnish them with arms, &c.

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exercises;

exercises, musters, and trainings; ~~Provided~~ **always**, that if any such servants as aforesaid, who shall be duly furnished and provided as is herein before directed, and shall be sent to muster by the master, or any other person under whose government such servant shall be, shall of his own accord, and contrary to the will and without the consent of the master, or such other person as aforesaid, neglect or refuse to appear at any training, muster, or exercise, appointed by this act, the master, or other person under whose government such servant may be, shall be liable to the penalties by this act inflicted for the default of such servant, and every such servant so offending as aforesaid shall be obliged to serve the said master four weeks for every penalty so paid by his master, or other person as aforesaid.

Servants discharged from their service to be allowed six months to provide arms, &c.

XVII. **And be it further Enacted**, by the authority aforesaid, That every servant in this province, who shall be freed and discharged from his service, shall be allowed six months time after such discharge to provide himself with the arms and furniture by this act directed and required, and until the said six months shall be expired shall be freed and exempted from the mulcts or penalties inflicted by this act.

No process to be executed on any person at the times herein mentioned.

XVIII. **And be it further Enacted**, by the authority aforesaid, That no civil officer whatsoever shall on any pretence execute any process (unless for treason, felony, or breach of the peace) on any person whatsoever, at any muster or other time when such person shall be obliged to bear arms in pursuance of the directions of this act, nor in going to or returning from any muster or place of rendezvous, or within twenty-four hours after such person shall be discharged from appearing in the regiment, company, or troop, to which he shall belong, under the penalty of two pounds *Sterling*, and the service of any such process on any such person is hereby declared to be absolutely void to all intents and purposes whatsoever; and all arms and furniture which are by this act required to be provided by any person whatsoever shall not be liable to be seized, distrained, or taken in execution, for any cause, matter, or thing whatsoever, and in case any person shall seize, levy, or distrain upon any such arms and furniture, contrary to this act, every such person shall forfeit the sum of two pounds *Sterling*, to be sued for and recovered as is hereafter directed.

Persons guilty of any of the offences herein specified how to be punished.

XIX. **And be it further Enacted**, by the authority aforesaid, That in case any person who shall be obliged to bear arms, whilst the regiment, troop, or company, to which he shall belong, shall be under arms, or in array, shall neglect or refuse to fire his gun not exceeding six times each muster day, or shall wilfully neglect or refuse to do his duty, or to obey the other lawful commands of his officer, or if any such militia-man be drunk at the time of his exercising, the majority of the officers of the troop or company to which such person belongs, if the offence shall be committed in a single troop or company, or any two field officers of the regiment to which such person shall belong, if the offence shall be committed in a regiment, shall have full power and authority to inflict on the person so offending any pecuniary mulct not exceeding ten shillings *Sterling*; and in case any person shall be disobedient, or raise any mutiny or sedition in such regiment, troop, or company, under arms, or in array, such person shall be liable to a fine not exceeding two pounds *Sterling*; and the said officers respectively, over and besides such pecuniary mulct, may imprison or confine the offenders until such time as the regiment, troop, or company, to which the offender shall belong, shall be discharged from bearing arms on the occasion for which they shall be assembled, and in case such offender shall be a servant,

vant, and shall not forthwith pay such fine as is last above said, the said officers respectively may inflict corporal punishment on such servant not exceeding twenty lashes.

XX. And be it further Enacted, by the authority aforesaid, That in case any person obliged to bear arms shall remove from one parish, division, or place, to any other, it shall be lawful for the captain or commanding officer of the company to which such person last belonged to levy the penalties inflicted by this act for non-appearing at musters, or for not having or being provided with sufficient arms and furniture, in the same manner as if such person had not removed from the parish, division, or place to which he belonged, until such time as the person so removing shall produce a certificate from the colonel or commanding officer of the troop, or from the captain or commanding officer of the company of the division or parish into which such person shall remove, that such person is entered, enlisted, and enrolled, in the company of such captain or commanding officer of the division or parish to which such person is removed.

Persons removing from one parish to another liable to the penalties inflicted for not appearing at musters, unless they produce a certificate of their being enlisted in some other company.

XXI. And whereas, to repel the invasion of any publick enemy, and to suppress any dangerous insurrections or rebellion, it may be absolutely necessary to assemble and raise the greatest part of the militia of this province, be it therefore Enacted, by the authority aforesaid, That if the governor or commander in chief for the time being shall receive advice from any person or persons in authority under his Majesty, his heirs or successors, or other credible person or persons in foreign parts, or if he shall receive information on oath that any foreign enemy or armed force shall suddenly intend to invade this province, or if any dangerous insurrection or rebellion shall be actually raised in this province, which cannot be suppressed by one single company, it shall and may be lawful for the said governor and commander in chief for the time being, by and with the advice and consent of the majority then present of his Majesty's council for the time being, to raise and assemble such and so many of the regiments, troops, and companies, by this act directed to be formed, as the said governor or commander in chief, by and with the advice aforesaid, shall think sufficient and able to suppress and repel such invasion, rebellion, or insurrection, as may happen or be; and for the more effectual execution thereof, it shall and may be lawful for the said governor or commander in chief of this province for the time being, by and with the advice and consent aforesaid, to make and publish, or cause to be made and published, an alarm throughout the whole province, by firing six guns, two at a time, at three minutes distance, or by sending orders and expresses to the field officers or other officers of the militia, to raise their several and respective regiments, troops, or companies, or such part of them as shall be ordered and directed, to march and rendezvous at such proper times and places within this province as the said governor or commander in chief for the time being shall think fit; and the said alarms shall be carried on throughout the whole province by all the commissioned officers of the militia, by firing three small arms at convenient intervals from place to place, and by speedy raising their several companies, and taking all other proper and effectual measures to give notice of the motion of the enemy, and forwarding with the utmost expedition all necessary information to the governor or commander in chief for the time being, and by putting in execution all such orders as they shall receive from the superior officers.

Invasions how to be repelled, and insurrections and rebellions suppressed.

XXII. And be it further Enacted, by the authority aforesaid, That an alarm

Alarms to be made over the province on the appearing of an enemy, &c.

alarm shall be made by any militia commissioned officer, by firing three small arms on sight of any enemy, or on information of any enemy appearing; or mischief done by an enemy, from any white man of credit who hath seen the same, of the credit of which informer the said officer shall be judge, and every alarm shall be carried on by all persons hearing or having knowledge of the same, by firing three small arms distinctly as usual, and the said officers who fired the alarm shall raise the company of which he is an officer by beat of a drum, or by ordering men to warn their next neighbours, till the company can be got together; and also the commanding officer of the said company shall, with all convenient speed, dispatch two expresses, one to the governor or commander in chief for the time being, and the other to the next field officer of the regiment to which the said company belongs, with an account of the cause of the alarm so made, upon which notice the said field officer shall have power to raise any number of men of the regiment he belongs to to march to the assistance of any of the inhabitants of this province who are in danger.

Persons neglecting to communicate an alarm to forfeit 5l. not repairing to their regiment, &c. upon notice of such alarm 10l. or the regiment, &c. engaging before they appear 20l.

XXIII. *And be it further Enacted*, by the authority aforesaid, That it any person whatsoever, who by this act is liable to bear arms, shall, in time of such alarm, neglect or refuse to use his utmost means and endeavours to convey and communicate the said alarm, or notice of the enemy's approach, every such person shall forfeit and pay the sum of five pounds *Sterling*, and in case any such person, after he hath notice of an alarm, does not forthwith repair, completely armed and accoutered as aforesaid, with all convenient speed, to the place where the regiment, troop, or company, to which he shall belong, shall be appointed to rendezvous, every such person shall forfeit ten pounds *Sterling*; and in case the company or troop to which such person shall belong shall actually engage and fight with the enemy before such person shall appear in the said regiment, troop, or company, in every such case the person not appearing as aforesaid shall forfeit twenty pounds *Sterling*.

Depredations of pirates and sea rovers, incursions of Indians and fugitive slaves, in what manner to be suppressed, &c.

XXIV. *And whereas* several parts of this province lying on the sea coast are exposed to the depredations of pirates and sea rovers, and many inland places are in danger of incursions from Indians, and are frequently infested with fugitive slaves, whose sudden attempts may prove fatal to many of his Majesty's subjects, before notice can be given to his Majesty's governor, therefore, for the more effectual preventing, repelling, and suppressing such sort of mischiefs, *be it Enacted*, by the authority aforesaid, That it shall and may be lawful for every commissioned officer in the militia, when occasion shall require, to assemble, arm, and raise any number of men belonging to their respective companies for which they shall be commissioned and appointed, and if need be, to give notice and call to their aid the officers and men of any adjacent companies, to disperse, suppress, kill, destroy, apprehend, take, or subdue, any pirate, sea rover, Indian or other enemy, who shall in a hostile manner hurt, or attempt to hurt, any of his Majesty's subjects, in their persons or possessions, or any company of slaves who shall be met together, or who shall be lurking in any suspected places where they may do mischief, or who shall have absented themselves from the service of their owners; and in case any person whatsoever, who by this act is liable to bear arms, shall neglect or refuse to appear, upon notice given by any commissioned officer of the troop or company to which such person belongs, or appearing shall not attend and obey the said officer, completely armed and furnished according to the directions of this act, every such person, for every such neglect or refusal, shall forfeit the sum of forty shillings *Sterling*.

XXV.

XXV. And whereas, in time of invasion, if the militia of the whole province were to be assembled, great dangers might arise from the insurrections or other wicked attempts of slaves, for the prevention thereof, **be it Enacted**, by the authority aforesaid, That in time of invasion or insurrection, and when it shall be found necessary to march the several regiments, troops, or companies, or any of them, out of their proper divisions or parishes, one fourth part at least of every company in this province shall stay and remain in the respective parish to which they belong, and shall be formed into patrols under the command of such officers as the commissioned officers of the company shall direct and appoint, until the governor or commander in chief shall commission and appoint a commander or officer for each of such patrols, under whose command respectively they shall continue until the rest of the company shall return to their habitations, and shall be discharged from bearing arms; and the patrol so formed shall be obliged to be on constant duty, and to ride and patrol and guard the plantations, and keep the slaves within their several parishes in good order, and shall place proper guards, watches, and centinels, at proper and convenient places, to give notice of danger, or for the more speedy conveying advices and intelligence to the governor or commander in chief of this province, or any army which shall be raised and assembled by his command; and in case any person or persons whatsoever, who shall stay and remain as aforesaid in any of the parishes to which he or they may belong, shall neglect or refuse to ride patrol, or to watch, stand centinel, or keep guard, or do any other duty hereby enjoined or required, or shall refuse to obey the lawful commands of any person who shall be appointed to command such patrol, every person so offending shall forfeit any sum not exceeding ten pounds *Sterling*.

In time of invasion, &c. when any regiment, &c. marches from the division to which it belongs, one fourth part to be left to perform patrol duty.

XXVI. And, that no unequal burthen may be laid on the inhabitants of this province, **be it Enacted**, by the authority aforesaid, That in all times of invasion, rebellion, or insurrection, when any company shall receive orders to march out of their division or parish, the captain, or other commanding officer who shall be present, shall cause the names of all the persons who are entered, enlisted, and enrolled, in the muster-roll of such company, (officers excepted) to be wrote down on small scrolls of paper, which shall be folded up and put into a hat, and shall be shaken together, and the clerk or serjeant of the said company shall draw out of the hat the names of so many persons as will not exceed three fourth parts of the said company, and the persons whose names shall be so drawn shall be obliged to march according to such orders as shall be given by the governor or commander in chief, and according to the directions of this act, and the rest whose names shall be left in the hat shall stay in their respective divisions and parishes, and shall do the duty of the patrol hereby directed to be formed; **Provided** always, that no officer of any company shall be excused from marching with the company for which he is appointed, unless by particular orders from the governor or commander in chief it shall be directed otherwise, in which case such officer so directed to stay shall be commanding officer of that part of the company which shall be so left in their several districts; **Provided** also, that if any person, whose name shall be drawn as aforesaid, and who shall be thereby obliged to march out of his division or parish, can provide an able man, to be approved by the majority of the officers of the company to which such person belongs, completely armed and furnished according to the directions of this act, every such person shall be permitted and at liberty to do so, and, upon producing and sending out their able man

When any company is ordered out of its parish, the captain shall ballot for three fourths of the company to march, &c.

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in his stead, shall be excused from going out or marching in person; ~~Pro-~~
~~vided~~ also, that the person who provides and sends another person in his
stead shall be still obliged to serve in the patrol to be formed according to the
directions of this act, and shall be subject to all the penalties and forfeitures
by this act inflicted on such as shall be guilty of disobedience, or shall ne-
glect or refuse to ride in such patrol, any thing herein contained to the con-
trary thereof in anywise notwithstanding.

Provisions, &c. to
be impressed in the
time of any alarm
made upon an in-
surrection, &c.

Proviso,

XXVII. ~~And be it further Enacted~~, by the authority aforesaid, That in
the time of any alarm made upon any insurrection, rebellion, or invasion,
all field officers and captains of every company be and they are hereby em-
powered, by themselves, or their warrant to any inferior officer or soldier,
to impress any provisions, horses, boats, canoes, perriaguas, and vessels,
with their furniture, or whatever other things they shall want or have need
of, for the service of this province; ~~Provided~~ always, that all provisions,
horses, boats, canoes, perriaguas, and vessels, and whatever other things
impressed as aforesaid, by the proper officer hereby empowered, be by the
said officer brought before three or more indifferent persons, being freehol-
ders, and having judgment in the respective things so impressed and brought
before them, to be appraised and valued before it be disposed of for the ser-
vice of this province, and that when the same shall be so valued and ap-
praised, the said officer do give a receipt under his hand for the same to the
owner thereof, if he conveniently can, and that the commanding officer or
captain of each company do cause his or their clerk or clerks to enter the
same in a book to be kept for that purpose, and that the said appraisers
shall appraise and ascertain any loss or damage that may happen to befall the
said effects so impressed for the service aforesaid, or allow a competent hire
for the same when returned to the said owners as the case shall require, and
the same to be given under the hands of the appraisers to the owner or ow-
ners thereof, directed to the treasurer of the province, who is hereby order-
ed to pay the same; and also that such commanding officer or captain of
such company or companies, after such alarm shall be over, and before his
or their company or companies shall be discharged, shall order so many
men as he or they shall think fit to carry such horses, boats, canoes, perri-
aguas, and vessels, or whatever other things they shall have impressed, to
the respective owners from whom they were taken, the owners giving their
receipts upon the re-delivery of the same; and the said commanding officer or
captain of each company, and each and every of them, are hereby empow-
ered to draw an order or orders on the treasurer of the province, payable
to the persons aforesaid, for so much money as he or they shall think the
said persons for carrying home any of the things herein before-mentioned de-
serve, and the treasurer of the province is hereby ordered to pay the same.

In case of invasion,
&c. justices of the
peace when requir-
ed may issue war-
rants to constables
to make provision
for carriages of pro-
vision, &c.

XXVIII. ~~And be it further Enacted~~, That in case of actual invasion, or
upon imminent danger thereof, or in case of rebellion as aforesaid, it may
and shall be lawful for any justice of the peace of any county, being duly
thereunto required by an order from his excellency the governor or com-
mander in chief for the time being, or from the colonel or other chief com-
mission officer, upon the place of any regiment, company, or detachment
of militia, to issue out his warrant under his hand, to constables of the
respective divisions, districts, or places, from, through, near, or to which
any regiment or company of militia-men, or any detachment or troop
thereof, shall be ordered to march, requiring such constables or other
officers to make such provision for carriages of provisions, arms, cloaths,
accoutrements,

accountrements, powder, bullets, or other warlike materials, with able men to drive such carriages, as is and are mentioned in the said order, and such colonel or commanding officer, that shall demand such carriages of such constables, is and are hereby required at the same time to give to the owner or owners of such carriages a certificate of such carriages being taken into the publick service, and the number of days they do continue therein shall be certified by the officer returning the same, and the owners thereof shall be entitled to and receive from the publick at the rate of three shillings *per diem* for every waggon, and for every cart two shillings, for every horse one shilling, and for every yoke of oxen eighteenpence, and for each able bodied man employed to drive such carriages two shillings *per diem*, and all carriages, horses, and oxen, so provided, shall, when taken into service, be appraised and valued in the same manner, and if any loss or damage shall happen the same shall be ascertained in the same method as is herein before directed for impressed boats, canoes, perriaguas, and other vessels.

XXIX. And be it further Enacted, by the authority aforesaid, That the commanding officer or captain of each company do lodge in some convenient and secure place, for the publick use, all the provision and ammunition impressed by him or them, or by virtue of his or their warrant or order, and that shall remain unexpended after an alarm, and that he take a particular account thereof, and transmit the same to the publick commissary, within fourteen days next after such alarm is over, and the commissary is hereby required to lay such accounts before the governor or commander in chief for the time being, who is hereby authorized and empowered, by and with the advice and consent of his Majesty's council, to order such remaining stores to be sold, and the monies arising therefrom to be paid into the publick treasury, to be disposed of as the general assembly shall direct.

Provision, &c. impressed, and unexpended after an alarm, how to be disposed of

XXX. And be it further Enacted, by the authority aforesaid, That if any officer of the militia, or any other person whatsoever, who by this act shall be obliged to bear arms, shall knowingly or wilfully, in time of rebellion, insurrection, or invasion, offend in any thing against this act, or shall neglect or refuse to do, execute, or perform any act, matter, or thing, which by this act is required, directed, prescribed, or enjoined by him or them to be done, executed, or performed, for which no particular penalty is hereby inflicted, then every person so offending, neglecting, or refusing as aforesaid, shall incur, forfeit, and pay the several mulcts, penalties, and forfeitures, following, that is to say, if such person so offending, refusing, or neglecting, as aforesaid, shall be a commissioned officer of the militia, above the degree of a captain, the several persons hereby empowered to hear and determine offences committed against this act shall and may and they are hereby authorized and empowered to inflict on such person a pecuniary mulct or fine not exceeding the sum of fifty pounds *Sterling*; and in case the person offending shall be a captain, or any inferior commissioned officer under the degree of a captain in the militia, a pecuniary mulct or fine shall be inflicted as aforesaid not exceeding the sum of thirty pounds *Sterling*; and if any non-commissioned officer of the respective troops or companies, or any private person that is obliged to bear arms, shall offend as aforesaid, in any thing against this act, there shall be inflicted as aforesaid a mulct or fine not exceeding the sum of ten pounds *Sterling*; but if the person so offending shall be an indented servant, and have no goods to be levied on, and shall neglect or refuse to pay the mulct or fine which shall be inflicted as aforesaid, for the space of ten days, he shall receive corporal punishment not exceeding forty lashes with a whip or switch on the bare back.

Persons wilfully offending against this act in time of rebellion, &c. how to be dealt with,

XXXI.

Captains to appoint two serjeants in each company, which serjeants refusing to act, &c. shall forfeit 20s.

Proviso.

Method of proceeding in the trial, &c. of offences against this act.

XXXI. And be it further Enacted, by the authority aforesaid, That the captain of each company shall have power to appoint any two persons within their respective companies, who are obliged to appear at common musters, as they shall think fit, to be serjeants of the said companies, who shall be obliged to act and continue such for the term of one year, and if any person after he is so appointed shall refuse or neglect to act or perform their duty as serjeants in the said companies respectively, the person so refusing to take the office upon him, or neglect his duty afterwards, shall for every offence forfeit the sum of one pound *Sterling*, to be recovered and levied as other fines in this act are directed; ~~Provided~~ **always**, that no person shall be subject to such fine for not taking the said office upon him more than once in seven years.

XXXII. And be it further Enacted, by the authority aforesaid, That all offences against this act shall be examined, heard and tried, adjudged and determined, in manner following, that is to say, all offences committed by any field officer shall be heard, tried and determined, by the governor of this province for the time being, and the majority of his Majesty's honourable council residing in the province; and all offences committed by any captain or inferior commissioned officer shall be heard, tried and determined, by the majority of the field officers of the regiment or troop to which such captain or inferior officer shall belong; and all offences committed by any non-commissioned officer, or private person who by this act is obliged to bear arms, shall be heard, tried, adjudged and determined, before the majority of the commissioned officers of the troop or company to which such person shall belong; at such time or times, place or places, as the said officers shall think fit to assemble and meet together, and the said commissioned officers of the said troop or company, or a majority of them, shall proceed against such offender and offenders so summoned in the most expeditious and summary way, without observing formalities of law, only examining into the truth of the case by the examination of witnesses upon oath, and such other evidences as can be speedily had, and upon conviction of any offender the said governor and council, or field officers or commissioned officers respectively, are fully authorized and empowered to levy the mulcts or penalties inflicted by warrant of distress and sale of the offender's goods, returning the overplus, if any there be, but in case the offenders shall refuse to produce goods, then by warrant to commit the offenders to the common goal in *Savannah*, which warrant shall be in the words following, that is to say, *GEORGIA*. By commissioned
officers of the company of foot in commanded by
To the serjeants of the said company, and to the keeper of the common goal in

WHEREAS A. B. a person enlisted, and liable to bear arms in the said company, for [as the case may be] is by us duly adjudged, that he the said A. B. has forfeited for the offence aforesaid the sum of which sum
the said A. B. has neglected to pay by the space of ten days next after the adjudication, These are therefore, in his Majesty's name, to charge and command you, and each of you, forthwith to apprehend the body of the said A. B. and him safely convey to the common goal in and that you deliver him to the keeper of the
said goal, together with this warrant, commanding you the said keeper to receive the body of the said A. B. and to detain him in your custody, without bail or mainprize, until he shall pay and discharge the fine aforesaid, together with all costs and charges attending the execution hereof, and the charge of his detainer in custody; hereof fail not: If the warrant be against the goods of offenders, &c.
then

then after the within recital say, *These are therefore, in his Majesty's name, to command and require you, and each of you, that you levy and cause to be made of the goods and chattels of the said A. B. the sum of* and the same goods and chattels you expose to sale and sell at publick outcry, first giving three days notice of such sale, and out of the monies therefrom arising you are first to deduct and keep the said sum of and all reasonable charges and expences, and the everplus, (if any there be) you shall return or tender to the said A. B. and this shall be your warrant; and in case it shall so happen, that if any person or persons, against whose body such warrant shall be granted as aforesaid, shall be refractory, and refuse to give obedience thereunto, the marshals or serjeants aforesaid, or other person or persons to whom such warrant shall be directed, are hereby empowered and required to demand all necessary assistance to compel such offender to the common goal, and all the charges and expences which shall attend the execution of the warrant of commitment aforesaid shall be taxed and ascertained by any justice of the peace in this province, who is hereby required to do the same without fee or reward, and such taxation shall be delivered to the keeper of the said goal, together with the said warrant, and such offender shall remain in prison without bail or mainprize until the said fine or mulct, and the charges and expences so taxed, shall be fully paid and satisfied.

XXXIII. And be it further Enacted, That if any such constable or other officer appointed shall wilfully neglect or refuse to execute any such warrant of any justice of the peace, every such offender shall forfeit a sum not exceeding twenty pounds *Sterling*, and every such offence may be heard and determined by any two justices of the peace within the parish where such offence shall be committed, which justices shall, by warrant under their hands and seals, cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to such offender upon whom such distress shall have been made as aforesaid.

Constables refusing to execute the warrant of a justice of the peace to forfeit 20l. &c.

XXXIV. And whereas it may be found difficult personally to summon defaulters, be it therefore Enacted, by the authority aforesaid, That the serjeants of the several companies do give notice to all defaulters, by advertisement in the most publick places, and the same shall be deemed, to all intents and purposes, equal to a personal service: *You A. B. are hereby summoned to be and appear before the commissioned officers of the company in which you are enrolled, commanded by* on next, at the house of to shew cause, if any you have, why you shall not be fined [here insert the offence]; of this fail not at your peril.

Defaulters how to be summoned.

XXXV. And be it further Enacted, by the authority aforesaid, That all fines of the private men for non-appearance at general musters shall be paid and applied to the use of the respective serjeants of the company in which any neglect of appearance at general musters shall happen, and also all other fines, mulcts, penalties, and forfeitures, which shall be inflicted, levied, or recovered, by virtue of this act, shall be applied and disposed as follows, that is to say, all fines and penalties not exceeding ten shillings *Sterling* in the foot service, shall be paid and applied to the use of the serjeants; and all fines not exceeding twenty shillings *Sterling*, incurred by any person in the troop or troops, to the marshal of the respective company or troop to which the person on whom the fine or fines shall be inflicted doth belong; and all fines and penalties exceeding the sum of ten shillings and twenty shillings *Sterling* respectively, shall be to the use of his Majesty, his heirs and

Fines of the private men for not appearing at general musters, and all other fines, &c. inflicted by this act, to be disposed of as here-in directed.

successors, to be applied to the maintaining and keeping in repair the public arms of this province, and shall be paid to his Majesty's receiver or the treasurer of the province, and issued by the governor and council for those purposes only; and the assembly shall have the inspection of the accounts for which orders are drawn when they apply for the same.

XXXVI. *And be it further Enacted*, by the authority aforesaid, That the marshal of each respective troop for the time being shall be and is hereby authorized and required to execute, or cause execution to be done of all warrants, orders, and precepts, which shall be issued by the governor and his Majesty's council for recovering the penalties, mulcts, and forfeitures, inflicted by this act, and the marshal of each respective troop, and the serjeant or serjeants of the respective companies, shall respectively execute, or cause execution to be done of all other warrants and precepts issued for the purposes aforesaid; *Provided nevertheless*, that no execution against the body and goods of any offender shall be issued till such person against whom the adjudication as aforesaid shall be made have refused or neglected to pay their respective fines as aforesaid by the space of ten days next after such adjudication, any thing herein before contained to the contrary notwithstanding.

XXXVII. *And be it further Enacted*, by the authority aforesaid, That in case any person, who shall be duly nominated and appointed marshal of a troop, or serjeant of a company, shall, after notice of such nomination or appointment, refuse or neglect to execute any warrant or precept, issued in pursuance of the direction of this act, and to him or them directed, for the space of twenty days after the receipt of the same, the said marshal or serjeant shall respectively forfeit for each offence the sum of two pounds *Sterling*, to be recovered and disposed of as aforesaid.

XXXVIII. *And be it further Enacted*, by the authority aforesaid, That in case any male person, who has been in this province for the space of three months, shall settle himself and reside in any part of this province, where the bounds of the division or parish are not certainly known and ascertained, every such person shall be entered, enlisted, or enrolled, in the company of that parish or division which is nearest to the residence or habitation of such person, and such person shall be deemed and adjudged as belonging to such nearest company to all intents and purposes whatsoever.

XXXIX. *And whereas* it has been found by experience that several negroes and other slaves have, in time of war, behaved themselves with great faithfulness and courage, in repelling the attacks of his Majesty's enemies in their descents on other provinces, and have thereby demonstrated that trust and confidence may in some instances be reposed in them: *And whereas* it is necessary that the male slaves in this province should be rendered as serviceable as possible in times of war, or the invasion of a foreign enemy, for the better effecting whereof, *be it further Enacted*, by the authority aforesaid, That every master, mistress, owner, manager, attorney, or trustee, of or for any slaves in this province, shall, within six months next after the passing of this act, return to the captain or commanding officer of the respective companies of militia, in whose beat or precinct such slaves do live or reside, or commonly used and employed, a true and faithful list in writing of all the male slaves of such persons, or which are under their care and management, from the age of sixteen to sixty years, and therein specify the names, age, and country of such slaves respectively, according to the best of the knowledge and belief of the person returning the same as aforesaid; and, to the end that the number of male slaves may be constantly

Marshal of each troop to cause execution to be done of all warrants, &c. issued by the governor and council for recovering the penalties, &c. inflicted by this act, and the marshal of each troop, and serjeants of companies, to execute all other warrants, &c.

Marshals or serjeants refusing to execute such warrants, &c. within 20 days after receipt of the same, to forfeit 2l.

Persons who have resided in any part of this province three months, the bounds of which are not certainly known, to be entered in the company nearest to them.

A list of all male slaves from the age of 16 to 60 to be given in to the commanding officers of the militia, within six months after the passing of this act.

stantly known, the said list shall be renewed and returned as aforesaid, by the respective persons as aforesaid, once in every year, on the first muster day after the twenty-fifth day of *March*, and such list shall be returned by the respective captains to their respective colonels, and by them to the governor or commander in chief, within two months after the same shall be given to the said captains respectively.

XL. And be it further *Enacted*, by the authority aforesaid, That the governor or commander in chief of this province for the time being be and is hereby authorized and empowered to direct and order the several captains of the companies of the militia of this province from time to time to enlist in their respective companies such and so many of the said male slaves so to be returned to them as aforesaid which shall be recommended to such captain by the respective owners or managers of such slaves to be most faithful and fit for service as the said governor or commander in chief, by and with the advice of his Majesty's honourable council for the time being, shall in their discretion think necessary for the service and defence of this province; *Provided* always, that the said number of slaves, so to be enlisted in the several companies in this province, do not exceed in the whole the number of one third of the white men in each respective company.

The governor may order any number of said slaves to be enlisted as he shall think necessary for the defence of the province.

Provido.

XLI. And be it further *Enacted*, by the authority aforesaid, That the said slaves so to be enlisted as aforesaid shall be incorporated into the respective companies in which they are enlisted, and shall be taken as part thereof, and shall, in time of general alarm and actual invasion of this province, and not otherwise, be armed by the respective owners or managers of such slaves with one sufficient gun, one hatchet, powder horn, and shot pouch, with ammunition of powder and bullets for twenty rounds, and six spare flints, and shall be sent by their respective owners or managers to the place of rendezvous of the respective companies in which they are enlisted, and which said slaves shall be then and there commanded and directed for the service of this province by the captain or other commanding officer of the company during all such times as the said company shall be upon actual duty, or continue under arms, and, instead of a pecuniary fining such slaves for breach or neglect of duty, shall be subject to such corporal punishment for their offences during such time as the majority of the commissioned officers of the respective companies shall think fit to inflict, not extending to loss of life or member.

Said slaves to be incorporated into the several companies, and armed by their owners in time of alarm, &c.

XLII. And whereas it will be extremely difficult, if not impossible, so to proportion the number of the said slaves so to be enlisted as aforesaid on every particular owner of slaves in this province, so as to make the same an equal burthen on all the owners: And whereas it is not just that any of the members of the community should bear more than their true proportion of the hazard or expence in the defence of this province, therefore, for the more equal settling the same, be it further *Enacted*, by the authority aforesaid, that the several owners of the said slaves so to be enlisted as aforesaid shall be paid out of the publick treasury of this province for the time such slaves shall be in the publick service of this province as aforesaid, after the rate of one shilling *Sterling per diem* for such slave; and in case it shall so happen that any slave so enlisted as aforesaid shall be killed in the service of this province, the owner of such slave shall be paid the full value of such slave out of the publick treasury of this province; and in case any slave in the service aforesaid shall be only maimed and disabled, the owner shall be likewise paid out of the publick treasury the full value of his loss sustained thereby;

Owners of slaves to be paid 1s. per day while in the publick service, &c.

thereby and, to the intent that such valuation may be justly and indifferently set and made between the publick and the owner of the slave, the same shall be made by any three freeholders in this province, the one to be named by the captain or other commanding officer of the company in which such slave is enlisted, another to be named by the owner or manager of such slave, and the third by the joint nomination of the two first freeholders named as aforesaid, and the valuation, to be set or fixed by any two of the said three freeholders, and certified under their hands, shall be determinate and conclusive between the publick and the respective owners.

Bravery of poor indigent freemen, servants, and slaves, how to be rewarded.

XLIII. ~~And whereas~~ it is necessary that all due and fitting encouragement should be given to poor indigent freemen and servants, and also to slaves, who shall behave themselves manfully in fight against the enemy in defence of this province, ~~be it further Enacted~~, by the authority aforesaid, That every poor freeman or white servant, who shall boldly and chearfully oppose the common enemy, and shall in fight happen to be maimed or disabled from labour, every such poor freeman or white servant, upon obtaining a certificate thereof from the majority of field officers of the regiment or troop to which such person belongs, under their hands and seals, shall be from thenceforth entitled unto, and shall yearly and every year receive, out of the publick treasury of this province, the sum of twelve pounds *Sterling*; but if such freeman so maimed shall be a married man, then he shall be entitled unto, and receive, out of the publick treasury during his residence in this province, the sum of eighteen pounds *Sterling* yearly; and if it shall so happen that any poor freeman, that is a married man as aforesaid, or hath any child or children under the age of twelve years, shall lose his life in the service aforesaid, that then the widow of such poor freeman shall thenceforth, during her widowhood and residence in this province, or the children of such poor freeman, (where there is no widow) under the age aforesaid, until they attain the said age, shall be entitled unto, and receive, out of the publick treasury of this province, the sum of twelve pounds *Sterling* yearly; and the field officers, and any two captains in the regiment to which such person belongs, associating themselves together, and certifying the same under their hands, are hereby declared to be proper judges of the poverty or indigence of every person so maimed and disabled, or killed, so as to entitle them, or their widows and children respectively, to the respective bounties or allowances as aforesaid; and every white servant in the said companies, and also every negroe or other slave so enlisted as aforesaid, who shall actually engage the enemy in times of war, insurrection, or invasion of this province, and shall courageously behave themselves in battle, so as to kill any one of the enemy, or take a prisoner alive, or shall take any of their colours, every such white servant and slave shall, upon due proof thereof, either by a certificate of a field officer, or captain of any company, under his hand, who shall happen personally to see the action, or shall be informed thereof by the oaths of two credible white persons, shall be, and he is hereby declared to be from thenceforth free, and absolutely discharged from all service or slavery whatsoever; and the owner or owners of such white servants and slaves so declared to be free shall be satisfied for the full value of such white servants and slaves out of the publick treasury of this province, such valuation to be made and set in the same manner as is herein before declared for the valuation of slaves killed in the service; but, in case such enlisted slaves shall manfully behave themselves in fight with the enemy, but shall not have such success as to kill or take any enemy, or any
of

of their colours, but who shall yet remarkably behave him or themselves in the engagement, so as to deserve publick notice, every such slave, upon obtaining a certificate thereof, under the hand of any field officer who shall certify such action, either from their own personal knowledge, or upon the oaths of any two creditable white persons, shall be entitled to, and receive from the publick treasury yearly and every year, a livery coat and pair of breeches, made of good red cloth turned up with blue, and a hat and pair of shoes, and shall that day in every year, during their lives, on which such action shall be performed, be freed and exempted from all personal labour and service to their owner or managers.

XLIV. And, to the intent that the encouragement herein before-mentioned to be given to poor freemen, servants, and slaves, to behave themselves faithfully and courageously in the service of this province in times of war, insurrection, or invasion, may be more publickly known, be it Enacted, by the authority aforesaid, That the clauses of this act relating to such encouragement, together with this clause, shall be publickly read by the respective captains of each company of the militia of this province at the head of their companies, on the next muster day of their respective companies after the passing of this act, and every captain, who shall neglect to publish the same as aforesaid, shall forfeit and pay the sum of one pound *Sterling*, to be recovered by a justice of the peace of the respective district where such omission shall be made, by warrant under his hand and seal, and such forfeiture shall be applied to the use of that company where such omission be made, for purchasing drums, colours, and other military implements, for that company.

XLV. And be it further Enacted, by the authority aforesaid, That every master, mistress, owner, manager, attorney, or trustee, of or for any slave or slaves as aforesaid, who shall refuse or neglect to make out or give in, and from time to time to renew, a list of their male slaves as aforesaid is directed, every such owner or manager shall for every such refusal or neglect, forfeit and pay any sum not exceeding two pounds *Sterling*, and every such owner or manager residing where such slaves are employed, who shall refuse or neglect to send or bring his said slaves that shall be enlisted in the militia as aforesaid, at all times of alarm and invasion, to the place of rendezvous of the respective companies in which such slaves shall be enlisted, after such owner or manager hath had notice of such slave's being enlisted in the said company, from the captains of such companies, every such owner and manager shall respectively, for every such refusal or neglect, for every such slave so enlisted, forfeit and pay the sum of ten pounds *Sterling*, which said forfeiture shall be recovered by a warrant under the hands of a majority of field officers of the regiment to which such person belongs, and be paid and applied to such uses as the general assembly shall direct and appoint.

XLVI. And be it further Enacted, by the authority aforesaid, That if any person or persons whatsoever shall be sued, impleaded, molested, or prosecuted, for any matter, cause, or thing whatsoever, done or executed, or caused to be done and executed, by virtue of or in pursuance of this act, and all and every person or persons who shall or may by the command, or in aid or assistance of any person who shall do or execute, or cause to be done or executed, any matter or thing, by virtue of or in pursuance of this act, shall and may plead the general issue, and give this act and the special matter in evidence, and in case the plaintiff or prosecutor shall suffer a discontinuance,

Clauses in this act, relating to encouragement to be given to poor freemen, &c. for their good behaviour in war, to be read by the captains at the head of their companies the first muster day after the passing of this act.

Owners of slaves not sending in the list by this act directed to forfeit 40s. and not bringing slaves enlisted to the place of rendezvous in time of alarm, &c. to forfeit 10l.

Persons prosecuted for any thing done in pursuance of this act may plead the general issue, &c.

nuance, enter a *noli prosequi*, suffer a non-suit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, his full double costs of suit, for which any court in this province where such prosecution shall be brought is hereby fully authorized and empowered to give judgment, and award execution accordingly.

List of fines, &c.
for non-performance of duty to be read once a year at the head of the regiments, &c.

XLVII. *And be it further Enacted*, by the authority aforesaid, to the intent that no person may plead ignorance in regard to the duties contained in this act, and the penalties incurred for non-compliance or disobedience thereto, the several superior officers in each regiment, troop or company, shall at least once a year read, or cause to be read, at the head of his regiment, troop or company, by the serjeant or other inferior officer, a list of fines or mulcts for non-performance of duty, and cause the same by advertisement to be at that time fixed in some publick place at or near the muster field, or on the high road that shall be nearest the same, on failure of which publication and notice as aforesaid, the said superior officer shall pay to the treasurer of the province a fine not exceeding twenty shillings *Sterling*, for the use of the serjeants of the said company respectively where the neglect shall be made, to be recovered in the same manner as other fines and forfeitures in this act before-mentioned.

Continuation of this act.

XLVIII. *And be it further Enacted*, by the authority aforesaid, That this act shall be and continue in force for and during the space of five years, and from thence to the end of the next sessions of the general assembly, and no longer.

Council-Chamber, 25th
March, 1765.

By Order of the Commons House of Assembly,
ALEXANDER WYLLY, *Speaker.*

Assented to,
JAMES WRIGHT.

By Order of the Upper House,
JAMES HABERSHAM, *President.*

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## A N A C T

*To amend an Act, intituled, An Act to prevent private Persons from purchasing Lands from the Indians, and for preventing Persons trading with them without License.*

Preamble.

WHEREAS, by an act passed in the third session of the second general assembly of this province, it is amongst other things enacted, that, from and after the fifteenth day of *February* one thousand seven hundred and fifty-eight, if any person or persons whatsoever (other than such as shall duly obtain license or licenses from the governor or commander in chief of the said province for the time being, or other person or persons for this purpose appointed by his Majesty, his heirs and successors) shall,



whenever thereunto required by the majority of the commissioners or surveyors of such divisions, or if any of the said commissioners or surveyors so appointed shall, after accepting the said office, refuse or neglect to do and perform the several duties required of them in and by this act, then, and in such case, such commissioner or surveyor shall, by and at the discretion of the majority of the other commissioners or surveyors of his division, be adjudged to forfeit a sum not exceeding three pounds *Sterling*, to be levied and applied as herein before directed; ~~Provided~~ that this clause shall not extend, or be construed to extend, to inflict any fine or penalty on any commissioner or surveyor, who, after serving, by virtue of this or any former act of assembly, the space of three years, shall chuse to decline the said office.

*Proviso.*

Persons sued for any thing done in execution of this act may plead the general issue.

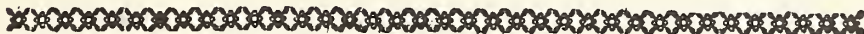
XXXIII. And be it Enacted, by the authority aforesaid, That if any commissioner or surveyor of the roads, overseer, constable, or other person whatever, shall be sued, arrested, or impleaded, for any matter, act, or thing, which he or they shall do, or cause to be done, by virtue and in pursuance of this act, it shall and may be lawful for every such commissioner or surveyor of the roads, overseer, constable, or other person, to plead the general issue, and give this act and the special matter in evidence, and in case the plaintiff or prosecutor shall suffer a discontinuance, enter a *noli prosequi*, suffer a nonsuit, or if a verdict or judgment shall pass against him, he shall pay to every defendant that shall be acquitted, or for whom judgment shall pass, double costs of suit, and any court in this province where such prosecution shall be brought is hereby fully authorized and empowered to give judgment, and award execution accordingly.

Continuation of this act.

XXXIV. And be it Enacted, by the authority aforesaid, That this act shall continue and be of force for and during the term of three years, and from thence to the end of the next sessions of the general assembly, and no longer.

Council-Chamber, 6th  
March, 1766.  
Assented to,  
JA. WRIGHT.

By Order of the Commons House of Assembly,  
ALEX. WYLLY, Speaker.  
By Order of the Upper House,  
JAMES HABERSHAM, President.



See also original  
p. 335

# A N A C T

*For the better Security of the Inhabitants of this Province,  
by obliging the Male white Persons within the same to  
carry Fire Arms to all Places of publick Worship.*

*Preamble.*

WHEREAS it is necessary, for the security and defence of this province from internal dangers and insurrections, that all persons resorting to places of publick worship should be obliged to carry fire arms, We therefore pray your most sacred Majesty that it may be enacted, And be it Enacted, by his Excellency JAMES WRIGHT, Esquire, Captain-General and Governor in Chief of his Majesty's province of Georgia,  
by

*Enacted.*

by and with the advice and consent of the Honourable Council and Commons House of Assembly of the said province, in general assembly met, and by the authority of the same, That, immediately from and after the passing of this act, every male white inhabitant of this province, (the inhabitants of the town of *Savannah* and hamlets thereof only excepted) who is or shall be liable to bear arms in the militia, either at common musters or in times of alarm, and resorting on any *Sunday*, or other time whatever, to any church, or other place of divine worship, within the same, shall carry with him a gun or a pair of pistols, in good order, and fit for service, with at least six charges of gunpowder and ball, and shall carry the same into the pew or other seat where such person shall sit, remain, or be, in such church or place of worship as aforesaid, under the penalty of ten shillings for every neglect of the same, to be recovered by warrant of distress and sale of the offender's goods, under the hand and seal of any justice of the peace for the parish where such offence shall be committed, and be to his Majesty, one half for the use of the poor of the said parish, and the other half to him or them who shall inform.

That all persons liable to bear arms in the militia in this province, (*Savannah* and hamlets thereof excepted) carry arms to places of public worship.

II. And, for the better and more effectual carrying this act into due force and execution, be it further Enacted, by the authority aforesaid, That the church-warden or church-wardens of each respective parish, and the deacons, elders, or select-men, of other places of publick worship in this province, shall be obliged, and they are hereby empowered to examine all male persons in every seat or pew in such place of publick worship, any time after the congregation is assembled, on *Christmas* and *Easter* days, and at least twelve other times in every year, and if, upon finding any person or persons liable to bear arms as aforesaid without the arms and ammunition by this act directed, shall not, within fifteen days after such offence is committed, inform against such person or persons so offending against this act, in order to recover the penalty as aforesaid, such church-warden or church-wardens, deacons, elders, or select-men, shall, for every neglect of duty, or giving information as aforesaid, forfeit and pay the sum of five pounds *Sterling*, to be recovered and applied as in this act is before directed.

Church-wardens, &c. to examine all male persons at the times herein mentioned for arms, &c. by this act directed to be brought to publick worship.

III. And be it Enacted, by the authority aforesaid, That any person or persons liable to bear arms, and being at any church or other place of publick worship as aforesaid, shall refuse or neglect, on demand of the church-warden or church-wardens, deacons, elders, or select-men, respectively to produce and shew his or their arms and ammunition by this act required to be brought by such person or persons, to the intent it may be known whether the same be fit for immediate use and service, such person or persons so neglecting or refusing shall, severally, and for every such offence, forfeit the sum of ten shillings, to be recovered and applied in like manner as the penalty for not bringing such arms as in and by this act is directed.

Penalty on persons refusing to undergo such examination.

IV. And be it further Enacted, by the authority aforesaid, That this act shall continue and be in force for and during the term of three years from the passing thereof, and from thence to the end of the next sessions of the general assembly, and no longer.

Continuation of this act.

Council-Chamber, 6th  
March, 1766.  
Assented to,  
JA. WRIGHT.

By Order of the Upper House,  
JAMES HABERSHAM, President.  
By Order of the Commons House of Assembly,  
ALEX. WYLLY, Speaker.

F

AN



(State Archives.)

## AN ACT

*For the better ordering the Militia.*

Title

WHEREAS a Well Ordered and disciplined Militia is Essentially necessary to the Safety Peace and Prosperity of this Province And Whereas the Governor and Commander in Chief for the time being hath full Power and Authority from time to time to Constitute and Appoint and give Commissions to such Persons as He Shall think fit to be Colonels, Majors, Adjutants, Captains and other Commission Officers We Humbly pray your Most Sacred Majesty that it may be Enacted and be it Enacted by His Excellency Sir James Wright Baronet Captain General and Governor in Chief in and over his Majesty's Province of Georgia by and with the Advice and Consent of his Majestys Honorable Council and the Commons House of Assembly of the said Province in General Assembly met and by the authority of the Same That it shall and may be Lawful to and for the Governor or Commander in Chief for the time being to assemble and call together all male Persons in this Province from the Age of Sixteen Years to Sixty Years within the Towns Divisions, Parishes and all Places within this Province at such times, and arm and array them in such manner as is hereafter expressed and declared and

Preamble

Enacted

That the Governor may assemble Male persons from 16 to 60 years within the Province and form them into Companies &c and in Case of Insurrections &c. to lead them to Suppress Such.

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 Better Ordering Militia.
 

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and to form them into Companies Troops and Regiments and in case of Insurrection Rebellion or Invasion them to Lead Conduct and Employ or cause to be Lead Conducted and Employed as well within the said Towns Divisions Parishes and Places where such Persons reside as into any other Division Parish or Place within this Province for Suppressing all such Insurrections and Rebellions or Repelling such Invasions as may happen to be.

Proviso &  
Enacted  
that Com-  
missioned  
Officers take  
the Oaths—

PROVIDED ALWAYS AND BE IT ENACTED that every commissioned Officer in the Militia shall within Six months after he Shall have accepted his Commission take the Oaths appointed to be taken in and by an Act of the Parliament of Great Britain made in the First year of the Reign of his late Majesty King George the First Intituled an Act for the further Security of his Majesty's Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the Pretended Prince of Wales and his open and Secret Abettors as Such Oaths are altered in and by another Act of the Parliament of Great Britain Passed in the Sixth Year of the Reign of his present Majesty Intituled an Act for altering the Oath of abjuration and the assurance and for amending so much of an Act of the Seventh Year of her late Majesty Queen Ann Intituled An Act for the Improvement of the Union of the two King-

doms

Better Ordering Militia.

doms as after the time therein Limited Requires the Delivery of Certain Lists and Copies therein mentioned to Persons Indicted of High Treason or misprison of Treason and also that every such Commissioned Officer in the Militia shall Immediately after taking the Oaths aforesaid make repeat and Subscribe the Declaration against Transubstantiation directed to be taken in and by the Several Acts of Parliament in that case made and Provided.

AND BE IT FURTHER ENACTED that in every Division there shall be formed one or more regiment or regiments and within every Parish in the respective Divisions one or more Company or Companies which Said Regiments and Companies shall consist of Such Number of Men as the Governor or Commander in Chief for the time being Shall think Proper.

That in every Division Regiments and in every parish Companies be formed

AND BE IT FURTHER ENACTED that it shall and may be Lawful to and for the Colonel or in his absence the next field Officer of every Regiment already formed or hereafter to be formed on any days and times when any three or more of the Companies shall assemble to be trained Mustered or Exercised within Ten Miles of each other to cause Such Companies to Assemble together at some Convenient Place within the Division or Parish of such Regiment to which Such Companies Shall respectively belong and to train and exercise such Companies

That it shall be Lawful for the Field Officers on any day when any 3 companies assemble within 10 miles of each other to Train such Companies in Battalions &c.

in

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 Better Ordering Militia.
 

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Excepting the Inhabitants of the Sea Islands who are to appear only at General Musters, and at Ordinary Musters twice a year.

in Battalions in such Manner and form as such Colonel or other Field Officer shall think fit excepting all Such Companies that may hereafter be formed upon any Islands upon the Sea Coast And in the meantime the Inhabitants of the said Islands shall not be Obligated by this Act to appear but at the General Musters and at Ordinary Musters not exceeding twice a year.

That Inferior Officers neglecting to attend the place of Rendezvous &c. shall forfeit £5.

AND BE IT FURTHER ENACTED that every Captain or other Inferior Commissioned Officer of any Company who Shall refuse or neglect to conduct and Lead his Company or to attend the Same to the place of rendezvous of any General Muster hereby appointed or to the Exercising of the Company in Battalions according to the Directions of this Act every Such Captain and other Inferior Commissioned Officer of any Such Companies So refusing or neglecting shall for every Such Offence forfeit and pay the Sum of Five pounds and the said Offences shall be heard tried and determined and the said Fines Levied in the same way and manner as other Offences of Captains and Commanding Officers of Companies by this Act are directed to be tried heard determined and Levied.

That Field Officers appoint General Musters once a year, and Commanding Officers of Companies Exercise them Six times a year—

AND BE IT ENACTED that it Shall be Lawful for every Colonel or in his absence the next Commanding Field Officer to Appoint one General Muster of their respective regiments once in every year, and also for every Captain or other

Commanding



## Better Ordering Militia.

Commanding Officer of the Several Companies to Assemble Muster Train and Exercise their respective Companies or any of them for Ordinary Musters not exceeding Six times in one Year giving notice of such Muster by beat of Drum or in such other Expeditious Manner as such Colonel Captain or other Commanding Officer shall think fit Provided that no Person or Persons whatsoever shall be Compelled or Obligated at any General Muster to go out of the Division where such person resides nor at Ordinary Musters to go out of the Parish or above Twelve Miles from where Dwells nor to remain at the place of Ordinary or General Muster above one day except in time of Actual rebellion Insurrection or Invasion or in other cases herein after particularly mentioned— Provided Also that this Act or any thing herein Contained shall be deemed Construed or taken to extend to the giving or declaring any Person for transporting or sending or any ways Compelling any of his Majesty's Subjects in this Province to March out of the Same.

Provided that no person remain above one day Except in time of Insurrections &c

Proviso also that no person shall be compelled to March out of the Province.

AND BE IT ENACTED that the Captains of the Several Companies in each Division or Parish Shall respectively Enter Enlist and Enroll the names of all the Male Inhabitants from the Age of Sixteen to Sixty years within the Several and respective Parishes and Divisions and Shall cause the Several Persons so Enlisted to be duly Summoned to appear at the times and

That Captains Inlist the Male Inhabitants within their Division and Cause them to appear at Musters.

Places

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 Better Ordering Militia.
 

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Places appointed for Ordinary Musters in each respective Parish and Division and the Publishing the Muster days aforesaid Shall be deemed a Sufficient Summons within the Intent of this Act to Oblige the Persons liable to appear At Such Musters and the Persons whose Names shall be so Entered Enlisted and Enrolled shall be deemed and held to be Enlisted in and to belong to the Company of that parish or Division in which they shall be so Enlisted and Enrolled and Shall be obliged to appear at Musters and on all other occasions and to be Subject to the directions of this Act without any further notice whatever.

Persons  
liable to ap-  
pear, are to  
Carry a Gun  
&ca.

AND BE IT ENACTED That every Person liable to appear and bear arms at any Exercise Muster or Training hereby appointed Pursuant to the directions of this Act Shall constantly keep and bring with them to Such Muster Exercise or Training one Gun or Musket fit for Service one Catridge Box with at least Nine Catridges filled with Good Gun Powder and Ball that shall fit his Piece a horn or Flask containing at least a Quarter of a Pound of Gun Powder a shot Pouch with half a pound of Bullets one Girdle or Belt one Worm and Pricker four Spare Flints a Ball of Bees Wax and a Cork that Shall fit his Piece a Bayonet Sword or Hatchet of the fitness and Sufficiency of which Arms Amunition and Accoutrements every Commanding Officer of the Company to which Such Person belongs is hereby declared to be Judge.

And

## Better Ordering Militia.

AND BE IT ENACTED that in case any Person liable to appear and bear arms at Musters shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Regiment to which the Company in which he is Enlisted and Enrolled shall belong every Such Person shall forfeit and pay a Sum not exceeding Twenty Shillings and in case any Such Person shall neglect or Refuse to appear in manner aforesaid at any ordinary Muster such Person shall forfeit and pay a Sum not Exceeding Ten Shillings which Said Several penalties shall be Recovered and disposed of as is herein after directed.

Persons neglecting to appear to forfeit for a General Muster twenty shillings for an Ordinary one 10/ —

AND BE IT ENACTED that it Shall and may be Lawful for the Commission Officers of any of the Companies or Troops Six times in the year and not oftner to take to their assistance if they think fit the Serjeants of such Companies and at any convenient time of the day to Repair to the places of Residence of any Person or Persons as well those Persons obliged to appear on alarms as other Persons liable to bear arms and Entered and Enlisted in any Such Company and to Demand a Sight of their arms amunition and accoutrements aforesaid and in case any Person or Persons shall neglect or Refuse to Produce any Such arms amunition and accoutrements or to Suffer the same to be received and Inspected or if when Produced the said Officers shall find the same defective it shall and may

That the Officers 6 times in the year may repair to the place of residence of persons obliged to bear arms and view the same—

be

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 Better Ordering Militia.
 

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And as on  
special Oc-  
casions  
Companies  
may be as-  
sembled.

Enacted

That such  
be esteemed  
one of the  
Six times in  
the year—

Proviso

A General  
Muster not  
to be ac-  
counted as  
one of the  
Six times—

be Lawful to and for the said Officers to fine every Person offending herein in any Sum not Exceeding five Shillings and to proceed against him or them for levying the same in all respects after the same manner as is directed for Proceeding against Persons who do not appear at ordinary Musters And Whereas it may be convenient and necessary on some Particular and Special Occasions to assemble the said Companies at other times than are usually fixed for Ordinary Musters Be it therefore Enacted that whenever any of the said Companies shall be assembled or Mustered on any Particular and Special Occasions the same Shall be esteemed and Accounted as one of the Six Times on which the said Companies are obliged to Muster in one Year Provided always that the General Muster of any of the said Companies according to the directions of this Act shall not be esteemed or accounted as of the Six times on which the said Companies are obliged to Muster in one year and that no Company or Companies be assembled on such Special and Particular Occasions without the order command and direction of the Governor or Commander in Chief for the time being Provided Also that this Clause shall not be construed to hinder the assembling of any of the said Companies or parts thereof for suppressing Insurrections Pirates Sea Rovers and fugitive Slaves.

AND WHEREAS it may very much contribute to  
the



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 Better Ordering Militia.
 

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the Safety of this Province to have a Troop or Troops of Horse in readiness on Particular and Extraordinary occasions Be it Enacted that the Governor and Commander in Chief for the time being may from amongst the Inhabitants who will voluntarily Enlist form a Troop or Troops of Horse not Exceeding in the whole Two Hundred Men and the Commissioned Officers appointed to command such Troop or Troops shall Muster Train and Exercise them not less than Four Times in one year at Savannah or such other place as the Governor or Commander in Chief for the time being shall direct and appoint.

That the Governor may form Troops of Horse—

AND BE IT ENACTED that every person who shall Enlist in the said Troop or Troops so to be formed shall provide himself with a good and able Horse and with such Cloaths Arms Amunition and furniture as the Majority of the Officers shall agree upon and every Person or Persons so Enlisted in the said Troop or Troops shall be excused and Exempted from any Service in any other Regiment Troop or Company Patrol duty excepted Provided no Person Shall be admitted to Enlist in the said Troop or Troops unless he shall be first approved by the Colonel or other Commanding Officer thereof and every Person So Enlisted shall obtain a certificate from the Colonel or Commanding Officer which certificate the person so Enlisted Shall produce to the Captain or commanding Officer

The Method of forming such Troops.

of

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 Better Ordering Militia.
 

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of the Company of such Division or Parish where the Person so Enlisted shall live and reside and untill the Person so Enlisted shall produce to the Captain or Commanding Officer such Certificate he shall be liable to the Penalties and Forfeitures inflicted by this Act for not keeping Arms are not appearing at the Musters Trainings and Exercise directed by this Act and the persons so Enlisted shall not be discharged from the same without giving Three Months Notice in Writing to the Colonel or other commanding Officer aforesaid of his Intent to be discharged and shall produce a Certificate at the end of the said Three months to such Colonel or Commanding Officer that he is Enlisted in the Foot Company of the Division or Parish where he resides and upon such notice given and Certificate produced he shall be discharged from the said Troop to which he belongs and not otherwise.

That in  
times of  
Insurrection  
the Troops  
shall attend  
the Governor

AND BE IT ENACTED That in time of any Actual Rebellion Insurrection or Invasion the said Troop or Troops shall attend the Governor or Commander in Chief for the time being in any part of this Province where the said Governor or Commander in Chief for The time being may be in Person, and in such times of Rebellion Insurrection or Invasion shall march or go to any place in this Province where the said Governor or Commander in chief for the time being shall Judge their Service necessary and shall on all other Publick occasions attend the said

Governor

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 Better Ordering Militia.
 

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Governor or Commander in Chief for the time being upon notice Given in the Publick News Papers or being Personally Summoned by any Person appointed for that purpose by the Colonel or other commanding Officer and if any Person Enlisted in the said Troop or either of them shall neglect or Refuse to appear at the days and times so appointed upon able Horses and with such Cloaths Arms Amunition and Accoutrements as the Majority of the Officers shall have agreed upon or after appearing shall Refuse to March when and where Ordered within this Province such Person shall forfeit a sum not Exceeding Ten Pounds and if any Person so Enlisted Shall neglect or Refuse to appear at the days and Times appointed for Musters armed and accoutred as aforesaid every such Person shall forfeit a Sum not Exceeding Twenty Shillings to be Recovered and applyed as herein after is directed.

Penalty on Refusing.

AND BE IT ENACTED that every able Male Person (Slaves excepted) from the Age of Sixteen years to Sixty years who has once resided and shall be within this Province for the space of three months is hereby declared to be liable to bear arms in the Regiment Troop or Company in this Province or some or one of them according to the Directions of this Act except the several persons herein after particularly mentioned who shall be excused or exempted from appearing at General and Ordinary Musters at such

Male Persons residing three Months in the province liable to bear arms.

times

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 Better Ordering Militia.
 

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Persons  
Excepted

times and in such manner as is herein after mentioned and provided That is to say all such Persons who are members of his Majestys Council and their Officers the Members of the Assembly and their Officers the Chief Justice and Justices of the General Court (not being Officers of any Regiment Troop or Company) the Attorney General the Secretary of the Province the Receiver General and Auditor the Attornies Officers of the General Court the Clerk of the Crown and Peace the Provost Marshal the Master and Register of the high Court of Chancery the Judge of the Vice Admiralty the officers of his Majesty's Customes the Surveyor General of his Majesty's Lands the Clergy and such Students of Divinity at Bethesda whose names shall be delivered to the Governor or Commander in Chief for the time being the Catechists, the Publick Treasurer the Powder Receiver Comptrollers Waiters and Commissary and his Majesty's Justices of the Peace who shall Quallify themselves and Act as such Practitioners in Physic and Surgery and Apothecaries who shall practice as such also Pilots and Ferry men Goalers of common Goals and Wardens of Work Houses and no other Provided that all the Persons aforesaid (the members of his Majestys Honourable Council the Assembly and their Officers The Chief Justice The Clerk of Crown and Peace Goalers of Common Goals and Wardens of Work Houses not being Officers in any Troop or Company Pilots and Ferry men

only



only excepted) shall in time of Rebellion Insurrection or Actual Invasion attend under the proper Colours of the Company in the Division or Parish in which such persons shall actually live and reside compleatly armed Furnished as in and by this Act directed for Private men in the Companies of Foot or shall attend the Governor or Commander in Chief for the time being with Horse and Arms in the same manner as the Troop or Troops are herein before directed on pain of Forfeiting a Sum not Exceeding Ten Pounds.

AND BE IT ENACTED that every Master or other Person who hath the power over Government or Command of any Indented Man Servant who shall be Employed within this Province shall at his and their own proper costs and charges furnish and provide every such Indented Servant during his Servitude with the arms Amunition and Furniture directed by this Act and every Master and other Person Shall constantly keep such arms amunition and Furniture for every such Indented Servant and shall send him or them so compleatly armed and Furnished to all Musters Trainings and Exercises directed by this Act and in case such Indented Servant shall not appear or his arms Amunition and Furniture be found defective the Master or other person having the Government of such Indented Servant shall on Default made in any of the premises be subject to the same

Indented  
Men Serv-  
ants to  
appear at  
Musters  
properly ac-  
counted at  
their  
Masters  
Expence

Penalties

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 Better Ordering Militia.
 

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Penalties inflicted on other Persons liable to appear by this Act Provided that if any such Servant duly Furnished and Provided as is herein before directed and sent to muster by the Master or other Person under whose Government such Servant shall be, shall of his own accord neglect or Refuse to appear at any Training Muster or Exercise appointed by this Act the Master or other Person under whose Government such Servant may be shall be liable to the Penalties by this Act Inflicted for the Default of such Servant and every such Servant so offending shall be obliged to serve the said Master two weeks for every Penalty so paid by his Master or other Person as aforesaid.

Servants  
freed from  
Servitude  
allowed Six  
Months to  
provide  
Arms.

AND BE IT ENACTED that every Servant who shall be freed and discharged from his Servitude shall be allowed Six months after such discharge to provide himself with the Arms Ammunition and Furniture by this Act directed and Required and untill the said Term is expired he is hereby freed and Exempted from the Penalties Inflicted by this Act.

No civil  
Officer to  
Execute any  
process (un-  
less for  
Treason &c)  
on persons  
obliged to  
bear arms  
in going to  
at or re-  
turning  
from any  
Muster.

AND BE IT ENACTED that no civil Officer shall on any Pretence execute any Process (unless for Treason Felony or Breach of the Peace) on any person at any Muster or other Time when such Person shall be obliged to bear arms in pursuance of the directions of this Act nor in going to staying at or Returning from any Mus-

ter

ter or Place of Rendesvous or within Twenty four Hours after such person shall be discharged from appearing in the Company Regiment or Troop to which he shall belong under the penalty of Forty Shillings and the Service of any Process on any such Persons is hereby declared void to all Intents and purposes and all arms Amunition and Furniture which are Required by this Act to be provided shall not be liable to be Seized distrained or taken in Execution for any Act Cause matter or Thing and in case any Person shall Seize Levy or distrain upon any such arms amunition and furniture contrary to this Act every such Person Shall Forfeit a Sum not exceeding Forty Shillings to be Sued for and Recovered as is herein after directed.

AND BE IT ENACTED that in case any Person obliged to bear arms whilst the Regiment Troop or Company to which he shall belong shall be under arms or in array shall neglect or refuse to fire his Gun not exceeding Six times each Muster day or Willingly neglect or Refuse to do his duty or to obey the Lawful commands of his Officer or if any Such Militia Man be drunk at the time of this Exercising the Majority of the Officers of the Troop or Company to which such person shall belong if the offence be committed in a single Troop or Company or any Two Field Officers of the Regiment to which such Person shall belong if the offence be committed

Duty of the  
men when  
under  
Arms—

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 Better Ordering Militia.
 

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And how  
they are to  
be pun-  
ished—

mitted in a Regiment shall have full Power and authority to inflict on the Person so offending any Pecuniary Fine not exceeding Twenty Shillings and in case any Person shall be disobedient or Raise any Mutiny or Sedition in such Regiment Troop or Company Under arms or in Array such Person shall be liable to a fine not exceeding Forty Shillings and the said officers Respectively over and above such Pecuniary Fine may Imprison or confine the offender untill such time as the Regiment Troop or Company to which the offender shall belong shall be discharged from bearing arms on the occasion for which they are assembled.

When per-  
sons  
obliged to  
bear arms  
remove  
from one  
Division to  
another.

The penal-  
ties in-  
flicted untill  
they pro-  
duce a Cer-  
tificate of  
their being  
inlisted in  
the Other—

AND BE IT ENACTED that in case any person obliged to bear arms shall remove from one parish Division or place to any other it shall and may be lawful for the Captain or commanding officer of the Company to which such person last belonged to Levy the Penalties inflicted by this Act for not appearing at Muster or for not having or being provided with sufficient arms Amunition and Furniture in the same manner as if such person had not removed from the Parish Division or place to which he belonged untill such time as the person so removing shall produce a certificate from the colonel or commanding Officer of the Troop or from the Captain or commanding Officer of the Company of the Division or Parish into which such person shall remove that such person is Entered En-

listed



listed and Enrolled in the company of such Captain or commanding Officer of the Division or Parish into which such Person is removed.

AND WHEREAS to Repell the Invasion of any Publick Enemy and to Suppress any dangerous Insurrection or Rebellion it may be absolutely necessary to assemble and Raise part of the Militia Be it Enacted That if the Governor or Commander in Chief for the time being shall receive advice from any credible Person or Persons in his Majestys Dominions or Foreign parts or otherwise that any foreign Enemy or armed force suddenly Intend to Invade this Province or if any dangerous Insurrection or Rebellion be actually raised in this province which cannot be suppressed by one single company It shall and be Lawful for the said Governor or Commander in Chief for the time being by and with the advice and consent of the Majority then Present of his Majesty's Council to raise and assemble such and so many of the Regiments Troops or Companies as the said Governor or Commander in Chief for the time being by and with the advice aforesaid shall think sufficient to suppress and repell such Invasion Rebellion or Insurrection as may happen and for the more Effectual Execution thereof it shall and be Lawful for the said Governor or Commander in Chief for the time being by and with the advice and Consent aforesaid to make and Publish or cause to be made and Published

In case of  
Invasion of  
any Enemy  
Of Danger-  
ous Insur-  
rections—

an

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 Better Ordering Militia.
 

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what Duty  
is requisite.

an alarm throughout the province by firing Six Guns two at a time at three Minutes distance, or by Sending Orders and Expresses to the Field Officers or other Officers of the Militia to raise their several and respective regiments Troops and Companies or such part thereof as shall be ordered and directed to March and Rendesvous at such proper times and Places within this province as the said Governor or Commander in Chief for the time being shall think fit And the said Alarm shall be carried on throughout the province by all the Commissioned Officers of the Militia by fireing Three Small at Convenient Intervals from place to place and by speedily raising their several Companies and taking all proper and Effectual means to give Notice of the Motion of the Enemy and forwarding with the utmost Expedition all necessary Information to the Governor or Commander in Chief for the time being and by putting in Execution all such Orders as they shall receive from the Superior Officers.

How an  
Alarm is  
made—

AND BE IT ENACTED that an Alarm shall be made by any Commissioned Militia Officer by firing three small arms on sight of any Enemy or on Information of any Enemy appearing or mischief done by any Enemy from any person of Credit who hath seen the same of the credibility of which the said Officer shall be Judge and every alarm shall be carried on by all persons hearing or having Knowledge of the same

by

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 Better Ordering Militia.
 

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by firing three small arms distinctly and the said Officer who fired the Alarm shall raise the Company of which he is an Officer by beat of Drum or by Ordering men to warn their Neighbours till the company can be got together And also the Commanding Officer of the said Company shall with all Convenient speed dispatch two Expresses one to the Governor or Commander in Chief for the time being and the other to the next Field Officer of the Regiment to which the said Company belongs with an Account of the cause of the Alarm so made upon which Notice the said Field Officer shall have power to raise any Number of Men of the regiment he belongs to and to March to the Assistance of any of the Inhabitants who are in danger.

AND BE IT ENACTED that if any person by this Act liable to bear Arms shall in time of such Alarm neglect or refuse to use his utmost Means and Endeavours to Convey and Communicate the said Alarm or Notice of the Enemys approach every such person shall forfeit and pay a Sum not exceeding Five pounds, and in case any such Person after he hath Notice of an Alarm shall not forthwith repair completely Armed and Accoutered as aforesaid with all Convenient speed to the place where the regiment Troop or Company to which he shall belong shall be appointed to rendezvous every such person shall forfeit a Sum not exceeding Ten pounds and in Case the Company or Troop

Penalties on persons neglecting to communicate the Alarm—

And on persons not appearing when an alarm is made—

to

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 Better Ordering Militia.
 

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to which such person shall belong shall be Engaged with the Enemy before such person shall appear in the said Regiment Troop or Company in every such case the person not Appearing as aforesaid shall forfeit a sum not Exceeding Twenty Pounds.

As Several  
parts of the  
province  
may be ex-  
posed to  
pirates  
Indians &c.

The Duty of  
Commis-  
sioned  
Officers and  
Men in that  
respect—

AND WHEREAS several parts of the province are exposed to depredations from Pirates and Sea Rovers and are in danger of Incursions from Indians and are frequently infested with Fugitive Slaves whose Sudden attempts may prove fatal to many of his Majesty's Subjects before notice can be given to his Majesty's Governor or Commander in Chief for the time being therefore for the more Effectual preventing repelling and suppressing the same BE IT ENACTED that it shall and may be lawful for every commission Officer in the Militia when occasion requires to assemble any number of men belonging to their respective Companies and if need be to give notice and call to their aid the Officers and men of any adjacent companies to distress disperse and kill destroy apprehend take or subdue, any Pirate Sea Rover Indian or other Enemy who shall in a hostile manner Invade or attempt to Invade this Province or hurt any of his Majesty's Subjects and also to Suppress and apprehend any Company of Slaves met together or lurking in any suspected places where they may do mischief or shall have absented themselves from

the



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 Better Ordering Militia.
 

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the service of their owners and in case any Person liable to bear arms shall neglect or refuse to appear upon Notice given by any commissioned Officer of the Troop or Company to which such person shall belong or appearing shall not obey the said Officer or not being completely armed and Furnished every such Person for every such neglect or Refusal shall forfeit a Sum not exceeding Forty Shillings.

AND BE IT ENACTED that in time of Invasion or Insurrection and when it shall be found necessary to march the several regiments Troops or Companies or any of them out of their proper Divisions or parishes one fourth part at least of every Company shall stay and remain in their respective Parishes and be formed into Patrols under the command of such Officers as the commissioned Officers of the company shall direct and appoint untill the Governor or Commander in Chief for the time being shall commission and appoint a Commander or Officer for each of such Patrols under whose Command respectively they shall Continue untill the rest of the Company shall return and be discharged from bearing arms And the Patrol so formed shall be Obligated to be on Constant Duty ride Patrol Guard the Plantations keep Guards Watches and Centinels at proper and Convenient places to give Notice of Danger or for the more speedy Conveying Intelligence to the Governor or Commander in Chief for the time be-

In time of  
Invasion or  
Insurrec-  
tion—

Who are to  
March out  
of their  
proper Di-  
vision—

And who  
are to re-  
main &  
their Duty.

ing

ing or any Army which shall be raised and Assembled by his Command and in case any Person or Persons staying or remaining as aforesaid in any of the parishes to which he or they shall belong shall neglect or refuse to ride Patrol Watch Stand Centinel keep Guard or do other duty hereby enjoined or required or shall refuse to obey the Lawful Commands of any person appointed to Command such Patrol every person so Offending shall forfeit a sum not Exceeding Ten pounds.

The Method  
of Drawing  
the Names  
of such  
persons  
who are to  
March.

AND BE IT ENACTED that in all times of Invasion Rebellion or Insurrection when any Company shall receive Orders to march out of It's Division or parish the Captain or other Commanding Officer present shall cause the names of all the persons who are Entered Enlisted and Enrolled in the Muster Roll of such company (Officers Excepted) to be wrote down on small Scrols' of paper which shall be rolled or folded up and put into a Hatt and Shaken together and the Clerk or Serjeants of the said Company shall draw out of the Hatt the names of so many Persons as will not exceed three-fourth parts of the said Company and the persons whose names shall be so drawn shall be obliged to march according to such Orders as shall be given by the Governor or Commander in Chief for the time being and according to the directions of this Act And the rest whose names shall be left in the Hatt shall stay in  
their

their respective divisions and Parishes and Shall do the duty of the patrol hereby directed to be formed and that no Officer of any Company shall be excused from Marching with the company for which he is appointed unless by particular Orders from the Governor or Commander in Chief for the time being in which case such Officer staying shall be Commanding Officer of that part of the Company left in It's district And that if any person whose name shall be drawn as aforesaid and who shall be thereby Obligated to march out of his Division or parish can provide an Able man to be approved of by the Majority of the Officers of the Company to which such person belongs Compleatly armed Accoutered and furnished every such person shall be permitted and at Liberty to do So and upon producing and sending out such able Man in his Stead shall be excused from going out or Marching in Person but shall be Obligated to perform Patrol Duty and be Subject to all the penalties and forfeitures inflicted by this Act on such as shall be Guilty of Disobedience or shall neglect or refuse to ride such Patrol.

AND BE IT ENACTED that in time of Alarm made upon any Insurrection Rebellion or Invasion all Field Officers and Captains be and they are hereby empowered by themselves or their Warrant to any Inferior Officer or private man to Impress any provisions Horses

In time of  
alarm the  
Officers &c.  
may im-  
press pro-  
visions &c.

Boats

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 Better Ordering Militia.
 

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how much  
shall be  
appraised.

And how  
paid for—

Boats Canoes Pettiauguas and Vessells with their Furniture or whatever other things they shall have need of for the service of this Province Provided Always that the same be first appraised by three or more indifferent Freeholders supposed to have Judgment in the respective things so Impressed, and the said Officer shall give a receipt for the same to the owner thereof if he Conveniently can and cause the Clerk or Clerks to enter the same in a Book to be kept for that purpose and the said Appraisers shall appraise and ascertain any Loss or Damage that shall befall the said Effects so Impressed or allow a Competent hire for the same when returned to the said Owners as the case shall require and the same shall be given under the Hands of the Appraisers to the Owner or Owners thereof directed to the Public Treasurer who shall pay the same out of any Funds in his Hands unappropriated upon an Order of the Governor or Commander in Chief for the time being by and with the advice and Consent of his Majesty's Honorable Council the same to be afterwards replaced in such manner as the General Assembly shall think proper And Also that the Commanding Officer of such Company after such Alarm shall be over and before his Company shall be discharged shall order so many Men as he shall think fit to carry such Horses Canoes Boats Pettiauguas and Vessels or what other things they shall have Impressed to the respective owners from whom they were taken



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 Better Ordering Militia.
 

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taken the owners giving their receipts upon redelivery of the same and the said Commanding Officer is hereby empowered to draw an Order or Orders on the said Treasurer payable to the Persons aforesaid for so much Money as he shall think the said Persons for carrying home any of the Things herein before mentioned deserve to be paid as aforesaid.

AND BE IT ENACTED that in case of actual Invasion or upon imminent danger thereof or in case of Rebellion as aforesaid it shall and may be Lawful for any Justice of the peace being thereunto required by an Order from the Governor or Commander in Chief for the time being or he not being present from the Colonel or other Chief Commissioned Officer of any regiment Company or Detachment of Militia to Issue a Warrant to the Constables of the respective Divisions or Districts from near or to which any regiment or Company of Militia or any Detachment or Troop thereof, shall be Ordered to March requiring such Constables to make such provision for Carriages of Provisions Arms Ammunition Cloaths and Accoutrements or other Warlike Materials with able Men to drive such carriages as may be mentioned in the said Order and such Colonel or Commanding Officer that shall demand such carriages of such Constable is hereby required at the same time to give to the Owner or Owners of such carriage a Certificate of the same

Justices of  
the peace to  
Issue War-  
rants to  
Constables  
to make  
provision  
for Car-  
riages pro-  
visions  
arms &c  
and men to  
drive such

being

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 Better Ordering Militia.
 

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And how  
they are to  
be appraised  
and paid  
for.

being taken into the Publick Service and the number of days they do Continue therein shall be certified by the Officer returning the same and the Owners thereof shall be entituled unto and receive from the Publick at the rate of Three Shillings each day for every Waggon and Tackling or Harness for four Horses and for every Cart and Tackling or Harness for four Horses Two Shillings for every Horse one shilling and for every Yoke of Oxen one shilling and Six pence and for every able Bodied Man employed to drive such Carriages Two Shillings and all Carriages Horses and Oxen so provided shall when taken into Service be appraised and valued in the manner herein before directed and if any Loss or Damage shall happen the same shall be ascertained in the same method as is herein before directed for Impressed Boats Canoes and Pettiaguas and other vessels and the necessary Provisions for every Horse and Ox so impressed shall be provided at the expence of the Publick.

The Duty of  
the Com-  
manding  
Officer with  
respect to  
the Lodging  
the provis-  
ions and  
ammunition  
impressed  
&c.

AND BE IT ENACTED that the Commanding Officer of each company shall lodge in some convenient and Secure place for the Publick use all the provisions and Amunition impressed by him or them or by virtue of his or their War-rant and that shall remain unexpended after an alarm and that he shall take a particular account thereof and transmit the same to the Publick Commissary within fourteen days after

such

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 Better Ordering Militia.
 

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such alarm is over and the said Commissary is hereby required to lay such Accounts before the Governor or Commander in Chief for the time being who is hereby authorised and empowered by and with the advice and consent of his Majesty's Council to Order such remaining stores to be sold and the monies arising therefrom to be paid into the Treasury to be disposed of as the General Assembly shall direct.

AND BE IT ENACTED that if any Officer of Militia or other person shall knowingly or wilfully in Time of rebellion Insurrection or Invasion offend against this Act for which no particular penalty is herein inflicted every person so offending shall forfeit and pay the several penalties and forfeitures following that is to say if the person so offending be a commissioned Officer of the Militia above the Degree of a Captain the several persons hereby empowered to hear and determine offences committed against this Act shall and may and they are hereby authorized and empowered to inflict on such person a pecuniary Fine not exceeding the Sum of Fifty pounds and in case the person offending shall be a Captain or any Inferior Commissioned Officer under the degree of a Captain in the Militia a sum not Exceeding Thirty pounds. And if any non Commissioned Officer of the respective Troops or Companies or any Private person that is obliged to bear Arms shall offend

Officers or others offending against this Act for which no penalty is inflicted shall forfeit.

The forfeitures

as

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Better Ordering Militia.

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as aforesaid a Sum not exceeding Ten pounds but if the person so offending shall be an Indented Servant and shall have no goods to be Levied on or shall neglect or refuse to pay the fine which shall be inflicted as aforesaid for the space of Ten days he shall receive Corporal Punishment not exceeding Forty lashes with a Whip or Switch on the bare back.

The Cap-  
tains to  
appoint  
Serjeants.

AND BE IT ENACTED that the Captain of each Company shall have power to appoint any two Persons belonging to their respective Companies who are obliged to appear at Common Musters to be Serjeants of the said Companies who shall be Obligated to Act and continue as such for the Term of one year And if any person after he shall be appointed shall neglect or refuse to perform his duty as Sergeant the Person Offending in either case shall for every Offence forfeit the sum of Forty Shillings to be recovered as other fines in this Act are directed Provided Always that no person shall be subject to serve in the said Office more than once in Seven years.

How  
Offences  
against this  
Act shall be  
heard &  
Determined.

AND BE IT ENACTED That all offences against this shall be heard and determined in manner following That is to Say all Offences Committed by any Field Officer shall be heard and determined by the Governor or Commander in Chief for the time being and the Majority of his Majesty's Honorable Council then residing in the Province and in case the said Governor or  
Commander



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Better Ordering Militia.

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Commander in Chief shall refuse to sit at such hearing then by the Majority of his Majesty's Honorable Council residing in the province to be summoned by Warrant from the Governor or Commander in Chief for the time being And all Offences committed by any Captain or inferior Commissioned Officer shall be heard and determined by Warrant from the Governor or Commander in Chief for the time being directed to Two Field Officers who shall Convene at Least five other Commissioned Officers to be joined with them for that purpose and all Offences Committed by any non Commissioned Officer or Private person shall be heard and determined by the Commissioned Officers of the Troop or Company to which such person shall belong at any such time or times place or places as the said Officers shall think fit to Assemble and meet Together and the Governor or Commander in Chief for the time being Council or Officers shall proceed against such Offender or Offenders so summoned in the most expeditious and Summary way without observing formalities of Law only examining into the Truth of the case by Witnesses upon Oath which Oath the Senior Member of the Council or the Commanding Officer present as the case may be are hereby respectively authorized to administer and such other Evidence as can be Spedely had and upon Conviction of any Offender the Governor or Commander in Chief for the time being his Majesty's Council or Officers respectively

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 Better Ordering Militia.
 

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tively as the case may be are fully authorised and empowered to levy the penalties inflicted by Warrant of distress and Sale of the Offenders Goods returning the overplus if any there be.

The Method  
of summon-  
ing De-  
faulters.

AND WHEREAS it may be found difficult personally to summon Defaulters Be it therefore Enacted that the Serjeants of the Several Companies shall give ten days Notice at least to all such Defaulters by advertising in Writing in the most Publick places within the Division of the Company to which such Defaulter shall belong the same shall be deemed to all intents and purposes equal to personal service which advertisement shall be to the following Effect viz: you are hereby Summoned to be and appear before the Commissioned Officers of the Company in which you are Enrolled commanded by on next at the House of to shew cause if any you have why you should not be fined of this fail not at your peril dated at the day of A. B. Serjeant and for Want of such distress then the person presiding at either Board as the case may be shall by Warrant under his Hand and Seal Committ the party Offending to the nearest Common Goal which Warrant shall be in the form herein after directed.

AND BE IT FURTHER ENACTED that every Warrant Issued for the levying of any fine or where  
no

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 Better Ordering Militia.
 

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no distress can be made, for the Imprisonment of any delinquent under this Act by any Person Presiding at any such Council Board or by any Commissioned Officer or Officers as the case may be and which they are hereby respectively Impowered to Issue shall be in the form and to the Effect following—Whereas

The War-  
rant of  
Distress.

a Person enlisted and liable to bear arms in the said Company is by

duly adjudged and he the said has

forfeited for the Offence aforesaid the sum of

which Sum the said

has neglected to pay by the space of Ten days next after the adjudication These are therefore in his Majestys name to charge and Command you and each of you forthwith to Levy and cause to be made of the Goods and Chattels of the said the sum of

and the same Goods and Chattels you shall expose to Sale and sell at Publick Outcry first giving Ten days notice of such sale and out of the Monies therefrom arising you are first to deduct and keep the said sum of

and all reasonable Charges and Expences and the overplus if any there be you shall return or tender to the said and if no

Goods or Chattels can be found whereon to Levy the said sum of then and in

such case you are hereby Commanded to take the Body of the said and

him Safely convey to the nearest Goal and deliver him to the keeper thereof Commanding

you

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 Better Ordering Militia.
 

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you the said keeper to receive the Body of the said \_\_\_\_\_ and detain him in your Custody untill he shall pay and discharge the Fine aforesaid together with all Costs and Charges attending the execution hereof and the Charges of detaining in Custody or untill he shall otherwise be Legally discharged hereof fail not and this shall be your Sufficient Warrant and in case the person against whom such Warrant shall be Granted shall be refractory and refuse to give obedience thereunto the Constables or Serjeants aforesaid or other person or persons to whom such Warrant shall be directed are hereby required and empowered to apprehend and Convey such Offender to the nearest common Goal and the Expences attending the Execution of the said Warrant shall be ascertained by any two Justices of the peace agreeable to the Act entitled An Act for the more easy and speedy recovery of small Debts and Damages and the said Justices are hereby required to do the same without Fee or reward and in case the same be not discharged within ten days then the offender to be Committed to Goal for a Term not exceeding Fourteen days.

Marshals or  
Serjeants  
refusing to  
Act to for-  
feit forty  
shillings.

AND BE IT ENACTED that in case any person who shall be nominated and appointed Marshal or Serjeant of a Company after Notice of such Nomination or Appointment shall refuse or neglect to execute any Warrant or precept Issued in pursuance of the direction of this Act

And



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 Better Ordering Militia.
 

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and to him or them directed for the space of twenty days after the receipt thereof the said Marshal or Serjeant shall respectively forfeit for each Offence the sum of Forty Shillings.

AND BE IT FURTHER ENACTED that if any such Constable or other Officer appointed shall wilfully neglect or refuse to execute any such Warrant of any Justice of the peace every such Offender shall forfeit a sum not exceeding Twenty pounds Sterling and every such Offence may be heard and determined by any Two Justices of the peace within the parish where such Offence shall be Committed which Justices shall by Warrant under their hands and Seals cause the said Penalty to be Levied by distress and Sale of the Offender's Goods and Chattels rendering the Overplus if any on demand after deducting the Charges of such distress and sale to such Offender upon whom such distress shall have been made as aforesaid.

Constables  
or other  
officers re-  
fusing to  
Execute a  
Warrt. to  
forfeit £20

how Levied

AND BE IT ENACTED that in case any Male Person who has been in this Province for the space of three months shall Settle himself and reside in any part of this province where the bounds or division of the Parish are not certainly known and ascertained every such Person shall be Enlisted and Enrolled in the Company of that parish or division which is nearest to the residence or habitation of such person and such person shall be deemed and adjudged

Persons Set-  
tling where  
the division  
is not ascer-  
tain'd shall  
enlist in the  
Company of  
the Parish  
nearest his  
residence.

as

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 Better Ordering Militia.
 

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as belonging to such nearest Company to all Intents and purposes whatsoever.

Masters &c. of Slaves to return a list of his faithful Male Slaves to the Captain of the Company in whose Beat they are.

AND WHEREAS it has been found by Experience that several Negroes and other Slaves have in time of War behaved themselves with great faithfulness and Courage in repelling the Attacks of his Majesty's Enemies in their descents on other Provinces and have thereby demonstrated that trust and Confidence may in some instances be reposed in them And Whereas it is necessary that the Male Slaves in this Province should be rendered as serviceable as possible in time of War or Invasion of a foreign Enemy for the better Effecting whereof Be it further Enacted that every Master Mistress owner Manager Attorney or Trustee of or for any Slaves in this Province shall within Six Months next after the passing of this Act return to the Commanding Officer of the respective Companies of Militia in whose beat or precinct such slaves do live and reside or are Commonly used or Employed a true and faithful list in Writing of all the Male Slaves of such persons who are under their care and Management from the Age of Sixteen to Sixty years as they can Recommend as Capable and faithful Slaves.

The Governor may give Directions to the Captains to Enlist such Slaves—

AND BE IT ENACTED that the Governor or Commander in Chief for the time being be and is hereby authorized and empowered to direct and order the several Captains of the Companies

Better Ordering Militia.

ies of Militia from time to time to Enlist in their respective Companies such and so many of the said Male Slaves so to be returned to them as aforesaid which shall be recommended to such Captain by the respective Owners or Managers of such Slaves to be most faithful and fit for service as the said Governor or Commander in Chief for the time being by and with the advice of his Majesty's Council in their discretion think necessary for the service and defence of this province Provided Always that the said Number of Slaves so to be Enlisted in the several Companies do not exceed one third part of the White Men in each respective Company.

Not to exceed one Third of the White Men.

AND BE IT ENACTED that the said Slaves so to be Enlisted shall be incorporated into the respective Companies into which they are enlisted and shall be taken as part thereof and shall in time of General Alarm and Actual Invasion of this Province and not otherwise be armed by the respective Owners or Managers of such Slaves with one Sufficient Gun One Hatchet powder Horn and shot pouch With Ammunition of Powder and Bullets for twelve rounds and Six Spare Flints and shall be sent by their respective owners and Managers to the place of rendezvous of the respective Companies in which they are Enlisted and which Said Slaves shall be then and there Commanded and directed by the Commanding Officer of the

How such shall be incorporated and Arm'd.

Company

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 Better Ordering Militia.
 

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Company during all such times as the said Company shall be upon Actual Duty or continue under Arms and in stead of a pecuniary fineing such Slaves for breach or neglect of Duty shall be subject to such Corporal punishment for their Offences during such time as the Majority of the Commissioned Officers of their respective Companies shall think fit to inflict not extending to Loss of Life or Member.

AND BE IT ENACTED that the several Owners of the said Slaves so to be Enlisted shall be paid by the Treasurer for the time such Slaves shall be in the Publick Service after the rate of one Shilling each day for such Slave and in case it shall so happen that any Slave so enlisted shall be killed in the service of this Province the owner of such Slave shall be paid the value of such Slave by the Treasurer and in case any Slave in the service aforesaid shall be only Maimed and disabled the Owner shall likewise be paid as aforesaid the Value of his Loss sustained thereby and the same shall be ascertained by any three freeholders one to be named by the Commanding Officer of the Company in which such Slave is Enlisted One to be named by the Owner or Manager of such Slave and one by the Joint Nomination of the Two first Freeholders and the Value thereof Certified under their Hands shall be determinate and Conclusive between the Publick and the respective Owners.

The owners  
of Such  
Slaves to be  
paid at  
certain rates  
if safely  
returned.

if Killed

if Maimed

how ascer-  
tained

And



## Better Ordering Militia.

AND BE IT ENACTED that every Freeman or White Servant who shall boldly and Cheerfully oppose the Common Enemy and shall in fight happen to be maimed or disabled from Labour every such freeman and white servant upon Obtaining a Certificate thereof from the Majority of the Field Officers of the regiment or Troop to which such person belongs under their hands and Seals shall be from thenceforth entitled unto and shall yearly and every year receive from the Treasurer the sum of Twelve pounds but if such Freeman so maimed shall be a Married Man then he shall be Entitled unto and receive of the Treasurer during his residence in this province the sum of Twenty pounds yearly and if it shall so happen that any poor free man that is a married Man or hath any child or Children under the Age of Twelve years shall loose his Life in the Service aforesaid that then the Widow of such poor Freeman shall thenceforth during her Widowhood and residence in this province or Children of such poor freeman where there is no Widow under the Age aforesaid untill they attain the said age shall be entitled unto and receive of the Treasurer the sum of Twelve pounds yearly and the said Field Officers and any two Captains in the regiment to which such person belongs associating themselves together and certifying the same under their hands are hereby declared to be proper Judges of the poverty or Indigence of every person so maimed disabled

White  
Servants  
Chearfully  
opposing  
the Enemy  
if Maimed.

shall re-  
ceive £20 <sup>3</sup>  
annum.

rewards to  
poor White-  
men &  
Widows  
Children &  
Negroes

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disabled or killed so as to entitle them or their Widows and children respectively to the respective Bounties and allowances and every white Servant in the said Companies and also every Negro and other Slave so enlisted as aforesaid who shall actually engage the Enemy in Time of War Insurrection or Invasion and shall courageously behave himself in Battle so as to kill any one of the Enemy or take a Prisoner alive or shall take any of their colours every such white servant and Slave shall upon due proof thereof either by a Certificate of a Field Officer or Captain of any Company under his Hand who shall happen personally to see the Action or shall be informed thereof by the Oath of Two Credible White persons shall be and he is hereby declared to be from thenceforth Free and absolutely discharged from all Servitude or Slavery whatever and the Owner or Owners of such White Servants and Slaves so declared to be free shall be satisfied to the full Value of such White Servant or Slave by the Treasurer such value to be ascertained in the Manner herein before directed for Slaves killed in the service. But in case such enlisted Slaves manfully behave themselves in fight with the Enemy but shall not have such Success as to kill or take any enemy or any of their colours but shall yet remarkably behave him or themselves in the Engagement so as to deserve Publick Notice every such Slave upon obtaining a Certificate thereof under the hand of any Field Officer who shall

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 Better Ordering Militia.
 

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shall Certify such action either from his Own personal knowledge or upon the Oath of any one Credible White person shall be entitled to and Receive from the Treasurer Yearly and every year a livery Coat and pair of Breeches made of Good red Cloth turned up with Blue and a hat a pair of Stockings a Shirt and a pair of Shoes and shall that day in every year during their lives on which such Action shall have been performed be freed and exempted from all personal Service and labour to the Owners or Managers.

AND BE IT ENACTED that the Clauses of this Act relating to such Encouragement together with this Clause shall be Publicly read at the head of every Company on the next Muster day of the respective Companies after the passing of this Act and every Commanding Officer who shall neglect to Publish the same as aforesaid shall forfeit and pay the sum of Forty Shillings to be recovered by a Justice of the peace of the respective district where such Omission shall be made by Warrant under his Hand and Seal and such forfeitures shall be applied to the use of the Company where such Omission is made for purchasing Drums Colours and other military Implements for the said Company.

That the Clauses of this Act relating to such rewards to be publicly read—

AND BE IT ENACTED that every Owner Manager Attorney or Trustee of or for any Slave or Slaves as aforesaid who shall refuse or Neg-

Owners &c. neglecting to make out a list of their Male Slaves shall forfeit 40/ & if such are inlisted

lect

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 Better Ordering Militia.
 

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and the  
Owner &c  
refusing to  
send them  
shall forfeit  
£10.

lect to make out or give in a List of their Male Slaves as herein before is directed every such Owner or Manager shall for every refusal and Neglect Forfeit and pay a Sum not exceeding Forty Shillings and every such Owner or Manager residing where such Slaves are employed who shall refuse or neglect to bring or send his said Slaves that shall be enlisted in the Militia as aforesaid at all times of alarm or Invasion to the place of rendezvous of the respective Companies in which such Slaves shall be Enlisted after such Owner or Manager hath had notice of such Slaves being Enlisted in the said Company from the Captains of such Companies every such Owner or Manager shall respectively for every such refusal or Neglect for every such Slave so Enlisted forfeit and pay the Sum of Ten pounds which said Forfeiture shall be recovered by a Warrant under the Hands of the Majority of the Field Officers of the regiment to which such persons belong and be paid and applied to such uses as the General Assembly shall direct.

Persons  
sued &c for  
any matter  
may plead  
the General  
Issue &c.

AND BE IT ENACTED that if any Person or Persons whatsoever shall be sued Impleaded Molested or Prosecuted for any Matter cause or thing whatsoever done or executed or caused to be done and executed by virtue of or in pursuance of this Act and all and every person and persons who shall or may by the Command or in aid or Assistance of any person who shall

do



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do or execute or cause to be done or executed any Act Matter or Thing by Virtue of or in pursuance of this Act shall and may plead the General Issue and give this Act and the Special Matter in Evidence and in case the plaintiff or prosecutor shall suffer a discontinuance Enter a Noli Prosequi suffer a Non Suit or if a Verdict shall pass against him he shall pay to every defendant that shall be acquitted or for whom Judgment shall pass his full Double Costs of Suit for which any Court in this province where such prosecution shall be brought is hereby fully Authorized and empowered to give Judgment and award Execution accordingly . . . .

AND to the Intent that no person may Plea Ignorance with regard to the Duties Contained in this Act and the penalties incurred for non-Compliance or disobedience thereto Be it Enacted that the Several Superior Officers in each Regiment Troop or Company shall at least once a year read or cause to be read at the head of his regiment Troop or Company by the Sergeant or other Inferior Officer a List of fines for non Performance of Duty and cause the same by Advertisement to be at that time fixed in some Publick place at or near the Muster Field or on the High Road that shall be nearest the same on failure of which Publication and notice aforesaid the said Superior Officer shall pay to the Treasurer a Sum not exceeding Forty Shillings.

Superior  
Officers in  
Regiments  
Troops &  
Companies  
are to read  
a list of the  
fines once  
a year at  
the head of  
their Regi-  
ments &c.

And

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The Officers  
of the Regi-  
ments to fix  
the District  
of each  
Company.

AND BE IT ENACTED that it shall and may be Lawful to and for the Officers of every Regiment or a Majority of them and they are hereby Empowered to fix and ascertain the Districts or bounds of every Company in their respective regiments as may appear to them most Convenient and proper.

To continue  
three years.

AND BE IT ENACTED that this Act shall be and Continue in force for and during the Term of Three Years and from thence to the end of the next Sessions of the General Assembly and no longer.

By order of the Commons House of Assembly

WILL<sup>M</sup>. YOUNG Speaker

Council Chamber  
29<sup>th</sup> September 1773.  
Assented to

By order of the  
Upper House of  
Assembly

JA: WRIGHT.

JAMES HABERSHAM, President.

State

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 Better Ordering and Regulating Militia.
 

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faithful payment of such remainder of purchase money so due and to be paid as directed by this act.

3. *And be it further enacted, by the authority* aforesaid, That the respective sheriffs in each county in the said state, be and they are hereby authorized and empowered to make and execute title or titles to such person or persons as may purchase any part or parts of the said confiscated estates, either real or personal, and that such title or titles be, and they are hereby declared to be, valid in law.

Titles, how  
to be ex-  
ecuted.

By order of the House,

N. W. JONES, *Speaker*.

October 30, 1778.

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See also original  
pp. 104, 107

(State Archives.)

AN ACT, *for the better ordering and regulating the Militia of this State.*

WHEREAS a well ordered and disciplined Militia, is essentially necessary, to the Safety, peace and prosperity, of this State, and a Militia Law, upon just principles hath ever been regarded, as the best Security of Liberty and the most effectual Means, of drawing forth and exerting

326. Ga.—*General Assembly; Col. Recs. . . . Vol. 19, Pt. II, Candler, 1911; Act, Nov. 15, 1778, pp. 103-126.*

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Better Ordering and Regulating Militia.

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exerting the Natural Strength of a State, BE IT ENACTED and it is hereby enacted by the Representatives of the People of the State of Georgia in general Assembly met, and by the authority of the same, That the Governor or Commander in Chief for the time being, with the advice and consent of the Executive Council, shall have power to assemble and call together all Male Persons, except as hereafter excepted, in this State, from the age of Fifteen to Sixty Years, within the Towns, divisions, Counties, Parishes or places within this State, at such times, and Arm and Array them, in such manner as is hereafter expressed and declared, and to form them into Companies, Troops and Regiments, and in case of Insurrection, Rebellion or Invasion them to lead, conduct, or employ, or cause to be led, conducted, and employed, as well within the said Towns, divisions, Counties, parishes or places, where such Persons reside, as into any other division, parish, County or place within this State, for suppressing all such insurrections, as may happen to be, AND BE IT FURTHER ENACTED by the authority aforesaid, that in every division within this State, there shall be formed, one or more Battalion or Battalions, as the case may happen and within every Parish, in the respective divisions, one or more, Company, or Companies, which said Battalions, and Companies, shall consist of such Number of Men, as follows: That is to say, each Battalion men, and each Company of not more than Sixty or less



less than Twenty-five men (except the Grenadiers, Light Infantry and the Independent Artillery Companies one Captain two Lieutenants and not more than, four Sergeants, and the said Companies so formed, shall, and they are hereby required, to elect by Ballot, fit and discreet persons, within their respective divisions, to be Officers of the said Company, in the rank and degree of Captain, first and second Lieutenants, and the said Captain, of each Company, shall have a right to appoint such Persons, to be Sergeants, as to him shall seem right, and a Suitable Person for a Clerk in his Company-

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Commissioned Officers, of each company, so elected and chosen as aforesaid, forming such Regiment or Battalion, <sup>NWJ</sup> of each division, in this State, shall as soon as may be, Elect by Ballot, fit, able and discreet men, to be Field Officers of the said Regiment or Battalion, consisting of one Colonel Lieutenant Colonel and one Major, and the Governor or Commanding Officer of this State, upon being properly certified of such Election of Field Officers of Regiments or Battalions and each Officer, directed, to be elected by this Act by the Persons forming themselves into Companies, is hereby required to give and grant such Officer and Officers, his and their Commissions, specifying the Nature of the Appointment, of such Officer or Officers and the duties required of him and them PROVIDED such Choice and Election  
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be made, within two Months, from the passing of this Act, in the several Counties of this State, and it is the intent and meaning of this Act, that there be a general Election thro' this State, and where the Companies now formed, shall not proceed within the aforesaid time, to the Election of Officers, it shall be considered that the Officers already chosen are approved of, and Commissions granted them as if they had been chosen anew. AND BE IT FURTHER ENACTED by the authority ads.<sup>d</sup>. that in case of the death, or departure, from the State, or Resignation of any Officer, that hereafter may be appointed, and elected, such Vacancy shall be filled up, by some person, residing in the district, where such Company belongs, and vacancy so happening; and in Case it shall happen, that there be not twenty five men, in a district, they are forthwith, to be joined to some one or other of the Companies, nearest to such district or division

AND BE IT FURTHER ENACTED by the authority aforesaid, that it shall be and may be lawful to and for the Colonel or in his absence the next Field Officer of every Battalion formed, or to be formed in this State, to cause such Companies to assemble together, within the County or division, of such Battalion, to which such Companies, shall respectively belong, And there to train and exercise such Companies in Battalions in such manner and form, and in such mode and way of exercise as shall be fixed  
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on by the Governor and Council of this State; and all companies now formed, or that hereafter may be formed upon any Islands along the Sea Co[a]st, in this State, shall not by this Act be obliged to appear at any General Muster, but at Musters within their districts, and Islands, as often as, is hereafter pointed out and directed

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Captains of the several Companies, in each division or County, in this State, shall respectively enter, enlist and enroll, the names of all the Male Inhabitants, of this State, from the age of Fifteen, to Sixty Years, within their several and respective Counties, and divisions, and shall cause the several Persons so enlisted, to be duly summoned to appear, at the times and places appointed for ordinary Musters, in each respective County, and division, and the publishing the Muster days aforesaid shall be deemed a sufficient Summons, within the intent of this Act, to oblige the Persons liable to appear at such Musters and the Persons whose Names shall be so entered enlisted and enrolled shall be deemed and held to be enlisted in and to belong to the Company of that County or division in which they shall so be enlisted and enrolled and shall be obliged to appear at Musters and on all other occasions and to be subject to the directions of this Act without any further Notice whatsoever AND BE IT FURTHER ENACTED by the authority aforesaid

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aforesaid, that every person liable to appear and bear Arms at any Muster, exercise or training hereby appointed, pursuant to the directions of this Act, shall constantly keep and bring with him, to such training, exercising or Muster, one good Gun, Bayonet, hanger, sword or hatchet, a Cartouch Box, twelve Cartridges a powder horn and half pound of Powder, with at least twenty four rounds of Lead, a Worm, pricker and four Flints each, to be produced at Musters and at all other times retained in every Persons House, and it shall and may be lawful to and for the Officers of the respective Companies as many times as may be agreed upon by them to visit the Inhabitants belonging to their said Companies and to demand a sight of their Arms, Furnature Ammunition and Accoutrements aforesaid and in Case it appears any Person shall neglect or refuse to produce any of said Arms, Furnature Ammunition and Accoutrements or to suffer the same to be viewed and inspected, or if when produced the said Officers shall find the same defective, every Person offending shall forfeit a Sum not exceeding Five pounds to be recover'd and levied as other Fines are directed to be recovered by this Act and in Case any Person liable to appear and bear arms at Musters as aforesaid shall neglect or refuse to appear compleatly armed and furnished as aforesaid at any General Muster of the Battalion to which the Company in which he is entered and enlisted shall belong, every such person shall forfeit and pay a Sum not exceeding Ten pounds



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pounds and in case any such Person shall neglect or refuse to appear in manner aforesaid at any ordinary Muster, every such person shall forfeit and pay a Sum not exceeding five pounds, which said several penalties shall be recovered and disposed of as herein after directed.

AND BE IT FURTHER ENACTED by the authority aforesaid that in case any Person (not herein after exempted) liable to bear Arms shall remove from one division or County to the other, it shall be lawful for the Captain or Commanding Officer of the Company to which such persons last belonged, to levy the penalties inflicted by this Act for non Appearances at Musters and for not having or being provided with sufficient Arms and Furnature, in the same manner as if such Person had not removed from the division or County to which he belonged untill such time, the Person so remaining shall produce a Certificate from the Colonel or commanding officer of the Battalion or from the Captain or Commanding Officer of the Company of the division or County into which such person shall remove, that such person is entered, enlisted and enrolled in the company of such Captain or commanding Officer of the division or Battalion to which such person is removed.

AND WHEREAS it may very much contribute to the safety and welfair of this State, to have a Troop or Troops of Horse and a Company of Artillery for the first, second and third  
Battalion

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Battalion in readiness on particular and extraordinary occasions, BE IT FURTHER ENACTED by the authority aforesaid that the Governor or Commander in Chief for the time being, be hereby authorized and empowered from amongst the Inhabitants of this State who have sufficient substance to undergo the Charge and will Voluntarily come and enlist, to form a troop or troops of Horse and companies of Artillery not exceeding fifty men of each Battalion and it shall and may be lawful for the Commissioned Officers, appointed to command such troop or troops of Horse and Companies of Artillery to Muster train and Exercise them, not less than once in two Months in times of peace, at such place or places as the Commanding Officer of each troop of Horse or Company of Artillery shall direct and appoint, the said troop or troops of Horse and Companies of Artillery, to be and remain and be subject to the same pains and penalties, as other Companies now or hereafter may be raised by virtue of this Act, are, or may be, subjected to.

AND BE IT FURTHER ENACTED by the authority aforesaid, that every Captain or other Inferior Commissioned Officer of any company within this State who shall refuse or Neglect to conduct or lead his company or attend the same to the place of Rendezvous at any General Muster hereby appointed, or to the exercising the Company in Battalion, according to the directions of this Act, every such Captain or other inferior

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inferior Commissioned Officer of any company, who shall so refuse or neglect as aforesaid, shall for every such offence forfeit and pay a sum not exceeding twenty pounds and the said Offences shall be heard and determined and the said fines levied in the same manner as other Offences of Captains or other commanding Officers of Companies by this Act, are directed to be tried, heard, determined and levied.

AND BE IT FURTHER ENACTED that it shall and may be lawful, for every Colonel, or in his absence the next Commanding Officer, in command, and they are hereby directed to order and appoint General Musters of their respective Battalions as well of Horse as foot, not exceeding four times, nor less than twice every Year in times of War and twice in every Year, in times of peace, at such times and places in the County or division to which they respectively belong, as shall be issued in Orders by the Commanding Officer of each Battalion (PROVIDED always, and it is hereby declared and enacted, that in Case of an Attack, Invasion or Insurrection made on any County in this State, it shall and may be lawfull for, and the said Colonel or other Commanding Officer, of the Battalion of such County, is hereby required to order out, lead forth and March with his said Battalion, or any part thereof, to repel such Attack, or invasion, in such way, as he may judge proper, giving immediate Notice thereof to the Governor, by express, under the  
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penalty of One hundred pounds, and also every Captain or other Commanding Officer, of the several Companies, in this State, are hereby directed, and required, to assemble, Muster, train and exercise, their respective Companies for ordinary Musters, Once in every Month in time of War and once in every two Months in time of peace, in such way, and at such times and places, as the said Captains or other Commissioned Officers of Companies shall or may think fit to appoint, giving Notice of such Muster by beat of drum, or in such other expeditious manner as such Colonel, Captain, or other Commanding Officer shall think fit PROVIDED also and it is hereby declared that no person or Persons whatsoever shall be compelled or obliged, at any General Muster, to go out of the County, where such Person resides, nor to remain at the place of such General or Ordinary Musters, above one day, except in time of Actual Rebellion, insurrection, or invasion, or State of Alarm, that may happen-

AND BE IT FURTHER ENACTED by the authority aforesaid, that the said Field Officers, hereby are declared to have a right, and are directed to appoint, proper Persons, to be Adjutant and Quarter Master, of their respective Battalions, AND BE IT FURTHER ENACTED by the authority aforesaid, that no Civil Officer whatsoever shall on any pretence execute any Process (unless for treason, Felony or Breach of the Peace) on any person whatso-

ever



ever at any Muster, or other time, when such Person, is obliged to bear Arms, in direction of this Act, nor in going to, or returning from, any Muster, or place of Rendezvous, or within twenty four Hours, after such Person shall be discharged, from appearing in the Battalion or Company, to which he shall belong, under the penalty of Twenty five pounds, and the service of any such process, on any such Person is hereby declared to be void, and all Arms and Furniture, which are by this Act required to be provided, shall not be liable to be seized, distrained or taken, in Execution for any cause whatsoever under the penalty of Fifty pounds, to be sued for and recovered against the Person or persons so offending, in such Manner as hereafter is directed- AND WHEREAS to repel the Invasion of any publick Enemy and to suppress any dangerous insurrection or Rebellion, it may be absolutely necessary to assemble and raise the greatest part of the Militia of this State BE IT THEREFORE ENACTED by the authority aforesaid, that if the Governor or Commander in Chief for the time being, shall receive information, that any Enemy, or armed force, shall suddenly intend to invade this State, or if any dangerous insurrection or Rebellion, shall be actually raised, which cannot be suppressed by one single Company, it shall and may be lawful for the said Governor and Commander in Chief for the time being, by and with the advice & consent of a Majority of the Executive Council then present, to raise and  
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Assemble so many of the Battalions, Troops, and Companies in this State, as the said Governor or Commander in Chief shall think sufficient and able to repel and suppress any such Invasion, insurrection or Rebellion and for the more effectual execution thereof, it shall and may be lawful for the said Governor or Commander in Chief, for the time being, with the consent aforesaid to make and publish, or cause to be made and published an Alarm throughout the whole State, by firing six Guns, two at a time, three Minutes distance, and by sending Orders and expresses to the Field Officers or other Officers of the Militia, to raise their several and respective Battalions, Troops or Companies, or such part of them as shall be ordered to march and rendezvous at such proper times and places within this State, as the said Governor or Commander in Chief shall think Fit, and the said Alarms shall be carried on thro' the whole State, by all the commissioned Officers of the militia in the most convenient and ready way from place to place and by speedy raising their several companies, and taking all effectual measures, to give notice of the Motion of the Enemy, and forwarding with the utmost expedition all necessary Information, to the Governor or Commander in Chief, and by putting in Execution all such orders as they shall receive from their Superior Officers, And in case any person liable to bear arms shall refuse or neglect, to communicate any alarm that may happen, or give notice according to his best endeavors

endeavors, of the Enemies approach, every Person so offending shall Forfeit and pay the Sum of Fifty pounds, and in case any such person after he hath given notice of an Alarm, does not forthwith repair, compleatly Armed and accoutred as aforesaid, with all convenient speed, to the place where the Regiment, Troop or Company, to which he shall belong shall be appointed to Rendezvous, every such Person shall forfeit a Sum not exceeding one hundred pounds.

AND BE IT FURTHER ENACTED by the authority aforesaid, that when it shall so happen, that the Militia of this State, or any part thereof, are raised and embodied, and incamped or marching, with intent to oppose the Enemy, or otherwise to act in defence of this State, such Militia on duty as aforesaid, shall be subject to the Continental Articles of War, are hereby declared to be the rule of conduct of such Militia, and all officers and privates, so on duty aforesaid, are hereby directed to govern themselves in conformity thereto, except in cases, where, by the said Continental Articles of War, Corporal Punishment, of any nature is ordered to be inflicted, and instead of such Corporal Punishment, pecuniary Mulets and Fines shall be inflicted, levied and recovered from Offenders, not exceeding Fifty pounds, for any offence to be adjudged of by a Court Martial, in such manner as is hereafter directed, And in case the person so offending, shall think himself aggrieved

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grieved by such a Fine, he has authority thereby, to appeal from such sentence of a Regimental Court Martial, to a General Court Martial.

AND BE IT FURTHER ENACTED by the authority aforesaid, that in case of an Alarm, insurrection or invasion, all Field Officers, or Captains are hereby directed to make application to the nearest Magistrate where any Militia, on duty may be stationed, and make known to the said Magistrate, if need be, the necessity, of impressing provisions and other necessary Articles for the use of such Militia, or others encamped, or Marching to oppose the Enemy as aforesaid, and upon such Case being known, and the necessity appearing, the said Magistrate is hereby required, to issue a Warrant under his hand & seal, directed to any Constable of the County or Parish, Officer or Private of such Battalion, Troop or Company requiring them or either of them, to impress any provisions, Horses, Waggon Carriages, Boats or Vessels, with their Furniture and appurtenances, and whatever other things they shall want, or need of, and as are expressed in the warrant for that purpose, to and for the use of this State; And the said provisions or other things so impressed as aforesaid, by those empowered so to do, shall be brought to, and appraised and valued on Oath by three or more indifferent persons, being Freeholders and competent to judge of the things so impressed,

and



and that when the same shall be so valued and appraised, the said officer shall give a receipt to the Owner thereof, and that he do cause the said valuation and appraisement, to be entered in a Book, for that purpose, and that the said appraisers, shall appraise & ascertain any loss or damage that may happen or befall to the said Effects, so impressed for the service aforesaid, or allow a competent hire for the same when returned to the said owners, as the case shall require, and the same to be given under the hands of the appraisers, certified by such commanding officer, to the Owner or Owners, directed to the Governor & Council who if they approve of the same, shall draw on the Treasurer for the Amount of such certificate, who are hereby ordered to pay the same, and also that such Commanding Officer of such Battalion or Company after such alarm shall be over, and before his men be discharged, shall order as many persons, under his command as may be necessary, to return such Horses, Boats, or other effects they shall have impressed, to the respective owners they giving receipt upon the delivery of the same, and the persons returning the Effects herein before mentioned shall be allowed a reasonable sum of Money for their trouble, upon producing a Certificate of such Service being performed, by the Commanding Officer, and of which the said officer shall judge, and draw on the Treasurers of this State, for and who are directed to pay the same sum of Money so allowed as aforesaid.

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AND BE IT FURTHER ENACTED by the authority aforesaid, that the Commanding Officer, or Captain of each Company do lodge and secure in some convenient place, for the public use all provision and ammunition impressed, by virtue of any Warrant for that purpose, and that shall remain unexpended after an Alarm, and that he transmit the same to the public Commissary within twenty days after such alarm is over, and the Commissary is hereby required to lay such accounts before the Governor or Commander in Chief for the time being, who is hereby authorised and empowered, by and with the advice and consent of the Executive Council, to order such remaining stores to be sold, and the Monies arising therefrom to be paid into the public Treasury, to be disposed of, as the General Assembly shall direct, AND WHEREAS in time of invasion, if the Militia of the whole State, were to be assembled, great danger might arise from Insurrections, or other wicked Attempts of Slaves, for the prevention thereof BE IT ENACTED by the authority aforesaid, that when it shall be found necessary, to march the several Battalions, Troops or Companies, or any of them, out of their proper divisions or Counties one third part at least of every Company in this State, shall stay and remain where they belong, and be formed into patrols under the command of such officers, as the Commissioned Officers of the Company shall appoint, and under whose command, they shall respectively continue, until

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till the rest of the Company shall return to their habitations, and be discharged from bearing arms, and the Patrols so formed shall be obliged to be on constant duty, and to ride patrol and guard the plantations, and keep the Slaves, in good order, and place proper Guards, Centinels and Watches, at proper places, to give notice of danger, and to take up all white Persons who cannot give a satisfactory account of themselves and carry them before a Justice of the Peace to be dealt with as is directed by the Vagrant Act, and the said Patrol hereby established, have full power and authority, to take up try and punish, all disorderly and mischievous Slaves by ordering such Slave or Slaves, a number of lashes not exceeding thirty nine and in case any person or persons whatsoever, who shall stay & remain as aforesaid shall neglect or refuse to ride patrol or to watch, stand Centinel or keep Guard, or do any other duty hereby enjoined, or shall refuse to obey the lawful Commands of any person who shall be appointed to command such Patrol, every person so offending shall forfeit and pay a sum not exceeding Ten pounds sterling.

AND BE IT FURTHER ENACTED by the authority aforesaid, that when any Company, shall receive Orders to march out of their County or division, the Captain or other Commanding Officer, present, shall cause the names of all the persons who are entered & enrolled in such Company to be wrote down on small pieces  
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of paper, to be folded up and put into a Hat, shaken together, and the Clerk or Sergeant of the said Company shall draw out of the hat, the names of so many persons as will exceed two thirds of the said Company; and the persons whose names shall be drawn, shall march according to such orders as may be given for that purpose, by their Superior Officer, PROVIDED that after they are drafted, they shall continue in rotation untill the whole Company has done duty, and the rest of the Company so remaining in their several Counties or divisions, are directed and required to do the patrol duty as directed by this Act; PROVIDED always, that if any person whose name shall be drawn as aforesaid, and be thereby obliged to march, can procure an able man, to be approved by the majority of the Officers of the Company, to which such Persons belong, compleatly armed and Furnished, as this Act directs, every such person shall be permitted and have liberty to do so, and upon sending out such able man in his stead, shall be excused from marching in person PROVIDED also, that the person who procures and sends another, in his room, shall not withstanding be obliged to do patrol duty, as formed by this Act, and shall be subject to all the penalties and forfeitures by this Act inflicted, on such as shall be guilty of disobedience, or neglect or refuse to ride in such patrol.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that if any officer of Militia



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tia, or any other Person whatsoever who by this Act, shall be obliged to bear arms, shall knowingly or wilfully, in time of Rebellion, insurrection or invasion, offend in anything against this Act, or shall neglect or refuse to do, execute or perform, any Act, matter or thing, which by this Act is required, directed prescribed or enjoined by him or them to be done, executed or performed, for which no particular penalty, is hereby inflicted, that every Person so offending neglecting or refusing, as aforesaid, shall incur, forfeit and pay the several mulcts penalties and forfeitures, following, that is to say, if such Person so offending, refusing or neglecting as aforesaid, shall be a commissioned officer of the Militia, above the degree of a Captain, the several persons hereby empowered to hear & determine offences committed against this Act, shall and may and they are hereby authorized & empowered to inflict on such person a pecuniary mulct or fine not exceeding the sum of one hundred and Fifty pounds, and in case the person offending, shall be a Captain, or any inferior commissioned officer under the degree of a Captain in the Militia, a pecuniary mulct or fine shall be inflicted as aforesaid, not exceeding the sum of one hundred pounds, and if any non-commissioned officer of the respective troops or Companies, or any private person that is obliged to bear arms as aforesaid, shall offend in anything against this Act, for which no particular penalty is inflicted, there shall be inflicted as aforesaid a

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Mulet or Fine not exceeding the sum of Fifty pounds, according to the nature of the offence but if any person so offending shall have no goods to be levied on, and shall neglect or refuse to pay the mulet, or fine which shall be inflicted as aforesaid, for the space of ten days, he shall be committed, to the next common Goal, or other place of confinement, and there to remain for a space of time not exceeding one month.

AND BE IT FURTHER ENACTED by the authority aforesaid, that all offences against this Act, shall be examined heard and tried, adjudged and determined, in manner following, that is to say all offences committed by any Field Officer shall be heard, tried and determined, by the Governor of this State, for the time being, and a Majority of the Council, and all offences committed by any Captain or inferior commissioned Officer shall be heard, tried and determined by a Court Martial to consist of not less than seven Commissioned officers of the Battallion, to which such Captain or inferior Officer shall belong; and all offences committed by any non commissioned officer, or private person, who by this Act is obliged to bear Arms, shall be heard, tried & determined before the Majority of the commissioned Officers of the troop or Company, to which such person shall belong, at such time or times place or places as the said Officers shall think fit, to assemble and meet together and the said Commissioned Officers of the said troop or Company or a Majority

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ity of them, shall proceed against such offender or offenders so summoned in the most expeditious and summary way without observing formalities of law, only examining into the truth of the Case, by the examination of witnesses upon oath and such other Evidence as can speedily be had, and upon conviction of any offender the said Governor & Council or field Officers, or Commissioned Officers respectively, are fully authorized and empowered to levy the mulcts and penalties inflicted by warrant of distress and Sale of the offender's goods, returning the overplus if any there be, but in case the offenders shall refuse to produce Goods, then by warrant to commit the offenders to the next Common Goal, or other place of Confinement, and in case it shall so happen, that if any Person or Persons, against whose Body such Warrant shall be granted as aforesaid, shall be refractory and refuse to give obedience thereunto, the Marshals or Sergeants aforesaid or other person or persons, to whom such Warrant shall be directed, are hereby impowered and required to demand all necessary assistance to compel such offender to the common Goal or other place of Confinement and all the Charges and expence which shall attend the execution of the Warrant of Commitment aforesaid, shall be taxed and ascertained by any Justice of the Peace in this State, who is hereby required to do the same, without Fee or Reward, and such taxation shall be delivered to the keeper of the said Goal, together

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gether with the said Warrant, and such offender shall remain in prison for the space of one Month, untill the said fine or Mulet, and the charges and expences so taxed, shall be fully paid and satisfied.

AND BE IT FURTHER ENACTED By the Authority aforesaid, that all fines and penalties whatsoever except as hereafter excepted shall be applied in providing Drums Colours arms and other accoutrements for the use of the Battalion Troop or Company to which such Officer or private so fined respectively belongs.

AND BE IT FURTHER ENACTED by the authority aforesaid, that one half of all Fines incurred for non appearance at private and General Musters be given to the Sergeants of the respective Companies for their trouble in collecting the Fines which may be incurred under and by virtue of this Act.

AND BE IT FURTHER ENACTED by the authority aforesaid, that the Militia of this State when ordered out on scouting shall be entitled to the following pay for such time as they may be actual service viz.<sup>t</sup> Officers and privates the sum of one shilling and three pence per diem, for pay, and two shillings and three pence in lieu of rations, and proper pay Rolls shall be produced of the names of the Persons doing such duty, the date of their entrance and discharge and by whose orders the same was done,



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done, which shall be certified by the Commanding Officer of the department, and attested by the Officer commanding the Scout.

AND BE IT FURTHER ENACTED, by the Authority aforesaid, that nothing in this Act, shall extend to oblige the following Persons from doing common Militia duty— Viz<sup>t</sup> the Members of the House of Assembly, Chief Justice, Attorney General, School Masters, Ministers of the Gospel, Collectors of the Customs, Printer, Auditor general, except in cases of Alarm and that the Persons herein after named, be exempt from all Militia duty, to-wit— the Governor and Executive Council, Physicians, Surgeons, Pilots, Ferrymen, Sheriffs, Treasurers, Lunaticks, Idiots and Madmen.

AND BE IT FURTHER ENACTED by the authority aforesaid, that in order that neither officer or men may plead Ignorance, it is further directed, that the Commanding Officer of each company shall cause this Act, to be read at the head of his Company at least three times in every Year & in case of neglect he shall be fined in a sum not exceeding twenty pounds.

AND BE IT FURTHER ENACTED by the authority aforesaid, that this Act shall continue and be of force, for and during the term of three years, and from thence to the end of the next session of Assembly, unless the same be altered,

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Estates of Non-Residents to be Confiscated.

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tered, revised and amended by this or some future House of Assembly.

By order of the House

NW JONES Speaker.

November 15th: 1778

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(State Archives.)

*An act to compel non-residents to return within a certain time or in default thereof, that their estates be confiscated, and for confiscating the estate of William Knox, Esq. formerly provost marshal, of the then province, now state of Georgia.*

Preamble. 1. WHEREAS great indulgence hath already been granted to persons residing in the dominions of the king of Great-Britain holding property within this state; AND WHEREAS it is necessary that such persons should share with the good people of this state, the expence and danger of defending the same: BE IT THEREFORE ENACTED BY THE REPRESENTATIVES OF THE FREEMEN OF THE STATE OF GEORGIA IN GENERAL ASSEMBLY MET, AND BY THE AUTHORITY OF THE SAME, That the estates of all persons above the age of twenty-one years residing in the dominions of the king of Great-Britain, situate and being within

Estates of persons residing in the British dominions, forfeited unless they return to the state and take certain oaths, within twelve months.

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 Revising and Amending Militia Laws.
 

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(State Archives.)

## AN ACT

*For Revising and amending the several Militia Laws of this State. —*

WHEREAS the Laws now in being For the regulation of the Militia, are either expired or near expiring, or are found inadequate to the present Period: and a well ordered and well disciplined Militia is essentially necessary to the safety, peace And prosperity of the State in Particular, and the Confederal Union in General.

BE IT THEREFORE ENACTED by the Representatives of the Freemen of the State of Georgia in General Assembly Met and by the Authority of the same. That from and immediately after the passing this Act it shall and may be lawful for his honor the Governor for the time being, by and with the Advice and consent of the honorable Executive Council, to call forth And Assemble all the Male free Inhabitants of this State, from the Age of Sixteen to fifty Years Within the Different Counties, Districts, and places of the same at such times as may appear to him and them Necessary, and to Lead, conduct or employ, or cause or procure to be led, Conducted or employed as well within the said Counties, Districts and places where such persons Reside, as into any other County, District,

327. Ga.—General Assembly; Col. Recs. . . Vol. 19, Pt. II, Candler, 1911; Act, Feb. 26, 1784, pp. 348-359.

District, or place, Agreeable to the Necessity of the Case, under such forms, restrictions and regulations as are herein after expressly set down & declared . ——

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Mode of Officering the said Militia, Shall be as follows; to wit, ALL OFFICERS inferior to field Rank shall be chosen by the Respective Companies of each battalion Agreeable to the Majority of Ballots of the persons liable to do duty in Manner herein after pointed out, after public Notice of such election being given for at least ten Days previous to the same in the respective Districts —— And the said Officers so Chosen shall elect their field Officers, also by a Majority of ballots; except the staff, who shall be appointed by the Colonel or Lieutenant Colonel Commandant of each battalion or Regiment as the case may be, And all the said Officers shall receive their commissions from his Honor the Governor, for the time being, for and during their Good behaviour; and shall also be liable to be broken, Cashered or suspended by his honor the Governor for the time being; after a Trial Of such Officer or Officers being had before a Court Martial and if agreeable to the Decision or Sentence of such Court Martial.

AND BE IT FURTHER ENACTED by the Authority Aforesaid that it shall and may be  
lawful



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Revising and Amending Militia Laws.

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lawful to and for the Colonel or Lieutenant Colonel of any of the Regiments or Battalions of this state, or in his absence the next Commanding field Officer to call together And Assemble, within his County, all or any of the Companies belonging to his Battalion or Regiment and cause them to be trained, Mustered, and exercised as he shall think fit: PROVIDED such Trainings Musterings, and exercisings do not exceed Twice in One twelve Months, unless by Order of his honor the Governor as aforesaid. —

AND BE IT FURTHER ENACTED by the Authority aforesaid That every Captain, or other Inferior Commissioned Officer of any Company in any Battalion, who shall refuse or neglect to Conduct or lead his Company, or attend the same to the place of Rendezvous for any General Muster exercising or training as aforesaid; under the Orders of the Officer Commanding Agreeable to the Directions of this Act Without Proper and sufficient excuse to a General Court Martial, to be held for that purpose; shall for the first Offence forfeit and pay a sum not exceeding five pounds, for the second Double the sum, And for the third, shall be Rendered incapable of holding a Commission —

AND BE IT FURTHER ENACTED that it shall And may be lawful to and for the Captains of the Different Companies of each battalion or  
Regiment

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Revising and Amending Militia Laws.

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Regiment within this state, and they are hereby Required to assemble, Muster train and exercise, or Cause to be Mustered trained and Exercised their respective Companies, giving Notice of the same by beat of Drum or otherwise in such expeditious Manner as the Colonel or Officer Commanding the Regiment shall think fit, at any place, or places for Ordering Musters; PROVIDED the same does not exceed six times each Year, and that such Muster, training and exercising be within the district or division the said Company belongs to — —

AND BE IT FURTHER ENACTED that the several Captains or Commanding Officers of Companies in the Different Battalions or Regiments, shall Respectively enter enlist and enroll the names of all the male free inhabitants from the age of Sixteen to fifty as aforesaid within their respective companies districts or divisions and shall cause the several persons so enrolled and enlisted notice being given of the same, to appear at the times and places appointed for ordinary muster in each respective districts or division, and the publishing of which as aforesaid, shall be deemed a sufficient summons within the intent of this act to oblige the persons so entered and enrolled liable to appear as well at such ordinary musters, as at any general musters which may be held as aforesaid, and the persons so enrolled shall be deemed and held to be enlisted in and to belong to

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Revising and Amending Militia Laws.

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to the company of that district or division in which he or they shall so reside and be so entered and enrolled and in case of any neglect or refusal to obey such summons, such person or persons so offending shall be fined at the direction of a court-martial to consist, if an ordinary muster of one captain two lieutenants in a sum not exceeding twenty shillings.

AND BE IT FURTHER ENACTED that it shall and may be lawful for the captains of the respective companies to appoint a proper person in each of their companies to act as clerk thereof who shall enroll and enter the names of the free male inhabitants so as aforesaid to be taken and sett down in a fair book for that purpose, and after the same shall be set down, such captain or other commanding officer of such company shall cause the different names to be thrown into a box, with a partition to be made for that purpose and shall every year draw four names from the one part, to be put into the other agreeable to the mode of drawing jurors, to act as serjeants for such company who shall proceed to obey the commands of their superior officers, and shall be respected and obey'd as such by the other non-commissioned officers and privates of their company and in case such serjeant or serjeants so drawn shall refuse in his or their turn to act immediately or shall at any time within his or their turn of continuance as such, that is one year as aforesaid, he or they shall

shall be liable to the mulct or fine of five pounds to be levied and placed to such purposes, as this act hereafter points out and directs, and the said officer so commanding is hereby required to proceed in manner before mentioned to draw another or others in his or their room: PROVID'D NEVERTHELESS that this clause shall not extend to prevent any captain, previous to such election from appointing any serjeant or serjeants not exceeding the number aforesaid who may be found capable and willing to act in that capacity

AND BE IT FURTHER ENACTED that in case any person or persons so liable shall neglect or refuse to appear compleatly armed and furnished with one rifle musket, fowling-piece or fusee fit for action, with a cartridge box or powder-horn answerable for that purpose with six cartridges or powder and lead equal thereto and three flints, at any general musters of the regiment or battalion to which his company belongs, every such person shall forfeit and pay a sum not exceeding five shillings, and if an ordinary muster a sum not exceeding two shillings and six pence

AND WHEREAS it may much contribute to the safety and welfare of the state, by encouraging volunteer troops of horse and companies subject however to the Field Officers of each regiment or battalion: BE IT THEREFORE



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Revising and Amending Militia Laws.

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FORE ENACTED that it shall and may be lawful for any commanding Officer of any regiment or battalion to give his sanction to any number not less than twenty or more than seventy five privates to associate for that purpose and to Elect their own officers in that district they belong to, and they shall be permitted to make their own Rules, so as the same do not militate with the direction of this Act and are approved of by the field officers of the Regiment: Provided every such Officer and non commissioned Officer and Private therein enrolled do and shall muster and exercise in such volunteer or Uniform Troop or Company at least one day in three company or ordinary musters in default of which Muster the said person shall be held and respected as again enrolled in the Company his district belongs commonly to, and shall be liable to have the Penalties of fine inflicted on him, which are non defaulters by this Act inflicted for every such offence, and previous to his or their leaving such Volunteer, Troop or Company he or they shall give One Month notice, and in default thereof shall be mulct or fined, till the term expires agreeable to the rules pointed out by this Act for other Companies.

AND BE IT FURTHER ENACTED that no Company shall consist of more than one Captain two Lieutenants, Four Serjeants, four Corporals, one Drummer, one fifer and Fifty privates and in case any district or division now  
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Revising and Amending Militia Laws.

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laid out for any one respective Company of any battalion within that State shall exceed that number the same shall be formed into two districts divisions or Companies and shall elect officers as before laid down and mentioned, except that the officers before commanding the Company so to be divided shall have choice of commissions agreeable to their Rank in either.

AND IT IS HEREBY FURTHER ENACTED That when any battalion or Regiment comes to be too numerous, that is above the amount of One thousand effective privates, for the district division or County they respectively belong to, The field Officers are required to assemble with three or more Justices, not officers, of the County in which the same shall happen, and equally divide into two Regiments or battalions the old officers, taking choice and rank as aforesaid

AND BE IT FURTHER ENACTED, That in case of the removal of any Person or persons so enrolled from one district or division to another, such person or persons shall produce a Certificate thereof, and of his being enrolled in such other Company under the hand of the Captain or Commanding Officer of the same, and shall be liable to the pains and penalties of this Act, for neglect of duty or non attendance till such Certificate is delivered to such person or persons former Captain. —

AND BE IT FURTHER ENACTED by the  
Authority

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Revising and Amending Militia Laws.

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Authority aforesaid, That every Master or other person, who hath the power over, government, or command of any Indented man Servant, who shall be employed within the State, shall at his or their own proper Costs and Charges, furnish and provide, every such Man Servant with such necessary Arms and Accoutrements, as is pointed out and directed by this Law to be furnished by every Male free inhabitant and such Masters shall be, and are hereby accountable for the appearance of his said servant at all Musters traininess, and exercisings, whether general or ordinary; and in default shall be liable to every fine or Mulet such non appearance is subject to: PROVIDED nevertheless that if such non appearance shall be his such Servants fault, he shall on conviction thereof, be held, bound and obliged to serve his said Master One Month for every such Offence

AND BE IT FURTHER ENACTED, that no civil process shall be served on any person or persons so enrolled as aforesaid, during his or their going to, or returning from, or whilst they are at the place of rendezvous of such Muster, Training or exercising, whether general or ordinary, or for twelve hours thereafter —

AND BE IT FURTHER ENACTED, that in case of absolute necessity, and order as aforesaid from his Honor the Governor, by and with the advice and consent of the Executive Council as aforesaid, all offences against the proper and  
necessary

necessary orders of a Superior Officer shall be fined and Mulet at double the rates laid down in this Act for non-appearance at general Muster for every such offence agreeable to the rank of the offenders. —

AND BE IT FURTHER ENACTED That all fines levied and penalties incurred for or by reason of this Act shall be lodged in the hands of the Major, to and for the use of the Regiment or Battalion the offender or offenders belonged to, and to be laid out to the best advantage either for Drums, colours or otherwise agreeable to the direction of a Majority of the field officers and the Major of such Battalion or Regiment is hereby required to render in a just and true account of all such fines and penalties as have come through his hands, at the end of every Year, to the Commanding officer of such Regiment or Battalion with an account of the necessities purchased for such Regiment or Battalion out of the same, and the Commanding officer as aforesaid is hereby required to cause to the same to be publickly read at least once a Year, at the head of his said Regiment or Battalion

AND BE IT FURTHER ENACTED— That it shall and may be Lawful for the Captain, of every district, division or company on conviction by a court Martial to Issue his Warrant directed to any Serjeant of his said Company commanding him to levy such sum as such offender was convicted for, within ten days thereafter



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Revising and Amending Militia Laws.

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after, who is hereby authorised and empowered to levy upon the offenders goods and chattles for that purpose, within ten days after receiving such Warrant, and if he shall find no such goods or chattles, so as to satisfy the same, he shall return the said Warrant, and such commanding officer is hereby authorized to Issue another to such Serjeant to apprehend the Offender and deliver him to the Keeper of the common goal of the County he belongs to, who is hereby required to keep and detain him, for the Space of twenty four hours, for every general Muster, and twelve hours for every ordinary Muster.

AND BE IT FURTHER ENACTED, that in case of refusal to serve such Warrants, or neglect of returning the same within fifteen days after receipt thereof, to the Issuing officer such Serjeant shall forfeit for every such offence Forty shillings, to be levied in like manner as is herein before pointed out for the private persons so enrolled —

AND BE IT FURTHER ENACTED, That in case of fine or mulct of any officer or Officers bearing Commissions in any company or Regiment of this State, the same shall be recovered by Warrants of distress under the hand of the Commanding officer of the Regiment and shall be directed to the Adjutant of the same, who is hereby required to levy as before laid down and mentioned for Serjeants in the case of  
Privates:

Privates: The Adjutant for the time, being and he is hereby declared liable to double the pains and penalties such Serjeant as aforesaid is subject to for every offence, whether neglect of duty, or refusal to Act —

AND BE IT FURTHER ENACTED, That Nothing in this Act contained, shall extend or be construed to extend to the subjecting to Militia duty the Honourable the Executive Council, the Members of the Legislature, the Chief Justice, the Assistant Judges, of each County, the Treasurer, The Secretary of State and Council, The Attorney General, The Clerk of the Assembly, Messengers, and door keepers of the Council and Assembly, the Clerks and Sheriffs of the County Courts, the Collectors of the different ports, the Pilots and Mariners, and Citizens, acting as such, Millers, School Masters, Ferry Men, Clergymen, in orders, Physicians, Justices qualified and actually acting as such, Sworn Attornies, Idiots, and Madmen, except in cases of Alarm.

By order of the House

JA<sup>S</sup>: HABERSHAM Speaker.

Savannah 26<sup>th</sup>:  
february 1784

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 Amercing Certain Persons.
 

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shall be recovered by sale out of any part of their real or personal Estates. —

AND BE IT FURTHER ENACTED that the persons herein after named Viz<sup>t</sup> Avington Perkins, Luke Bynam Sen<sup>r</sup>. Andrew Robertson, James Weatherford, Thomas Yarborough, Simon Sherwood, Henry Brown, Atkin William Young, Jeremiah Atkinson John Spencer, Samuel Lyons, Victor Thomson, James Martin, Joseph Atkinson, Valentine Clemm, John Stubbs, Abraham Johnston, John Hodgkins, Robert Burton, Jonathan Sill, David Baldwin, Joseph Hodgins, Arthur Ryalls, John Ryalls, John Hall, John Axeley, Christopher Creamer, Gotleib Smith, John Wilson, James Wilson, William Wilson, Jacob Myers, James Cook, Samuel Langley Jun<sup>r</sup>., John Rentz, James Thompson, Samuel Ealy, John Shave, Richard Shave, Samuel Shephard, Joshua Pierce Sen<sup>r</sup>., Philip Dill, Jun<sup>r</sup>., Samuel Cooper, George Weakley, William Powell, Andrew M<sup>c</sup>Neily, Cader Price, James Robertson, John Hammett, Edward Corker, Stephen Corker, James Douglass, John Young, Robert Tillman, William Young, Jacob Sharp, Thomas Lamb, Edward Pilcher, Henry Overstreet, William Brown Augustus Underwood, John O Neal, shall be compelled to serve as Continental Soldiers, or find Substitutes in the Georgia Battalion within six Weeks from the passing of this Act, to serve for the space of two Years from the time of their Respective inlistments or to the end of the present War. — AND

604. Ga.—*General Assembly; Col. Recs. . . . Vol. 19, Pt. II, Candler, 1911; Act, Aug. 5, 1782, pp. 155-162.*

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Amercing Certain Persons.

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AND BE IT FURTHER ENACTED that the Commissioners or a Majority of them are hereby required to deliver all Monies which they may receive by Virtue of and in pursuance of this Act, as well as all Inventories and Appraisements, and a Copy of their Accounts once in every thirty days to the Treasurer of this State, who is hereby Authorized and Required to Give the said Commissioners or a Majority of them a sufficient Receipt for such Sum or Sums as may be by him Received. —

AND WHEREAS it is necessary that the Continental Battalion now raising as the Quota of this State be filled as soon as possible. —

BE IT ENACTED by the authority aforesaid that out of the monies first arising from the Amercement as directed to be levied in and by this Act, a sum not exceeding three thousand pounds be appropriated for the purposes of recruiting men to fill up the Georgia Continental Battalion now raising for the defence, and as the Quota of Troops to be furnished by this State, and his honor the Governor is hereby empowered and directed to give Warrants to the amount of said Sum on the Treasury to the officer commanding the said Battalion for the purpose of Recruiting the same and no other. —

AND WHEREAS IT WILL BE of Great Service to the State in Recruiting the Continental Battalion to receive all or part of the different Amercements immediately.—

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Amercing Certain Persons.

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BE IT ENACTED by the Authority aforesaid that any person or persons Amerced as aforesaid who shall within thirty days from and immediately after the passing this Act pay or cause to be paid into the Treasury or hands of the Commissioners, all or any part of the Sum he or they shall be Respectively Amerced, such person or persons, so paying as aforesaid, shall be entitled to, and allowed a deduction of ten Per Cent on all or such part of his said Amercement as he shall pay, or so cause to be paid, and any Person or persons so fined or Amerced as aforesaid who shall within the space of three Months so pay or cause to be paid, all or any part of his said Amercement as aforesaid, he or they shall be entitled to, and allowed a deduction of five  $\text{p}^{\text{c}}$  Cent, any matter or thing herein contained to the Contrary thereof notwithstanding.

AND BE IT FURTHER ENACTED that any person or persons so amerced as aforesaid who shall within thirty days, Recruit or enlist any able bodied Soldier for the Continental Battalion, and produce a Certificate thereof within the said time, shall be allowed a deduction from his said Amercement of the sum of Forty Pounds, and where any such Person shall place in the said Battalion any able bodied man as aforesaid within three Months from and after the passing thereof, he or they shall be Allowed for every such Soldier, the sum of thirty pounds to be taken from the amount of his said Amercement- subject however to no other deduction whatsoever.

AND

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Amercing Certain Persons.

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AND BE IT FURTHER ENACTED that all and every person and persons named in this Act shall be, and he and they is and are hereby declared to be disqualified and rendered incapable to serve on any Jury, or to vote at any election for members of Assembly, or to serve in the same, for and during the space of two Years from and after the passing of this Act; but such person and persons are and is hereby declared to be in all other Respects, Restored to the rights of Citizenship, within this State, on complying with the terms of this Act, and taking the Oaths of Allegiance before any of the Assistant Judges of the County to which they Respectively belong, in as full a manner as if the Act of Confiscation before named had never been made, or as any other American Citizen doth enjoy the same, subject only to the disability in this Act contained, and all Offences of a publick nature, (Murder only excepted) shall in regard to such person and persons be forever buried in oblivion, saving only the right of Civil Actions to any person or persons who may apprehend, him, her, or themselves, aggrieved by such person or persons named in this Act.

AND WHEREAS, certain parts of the Estate real and personal of several of the persons named in this Act have been Under former Laws Sequestered and Applied to public use, and other parts have been sold and disposed of, under and by Virtue of a Certain Act of Confiscation

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Amercing Certain Persons.

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cation passed at Augusta. on the fourth day of May last past, and entitled “An Act for inflicting penalties on and Confiscating the Estates of such persons as are therein Guilty of Treason, and for other purposes therein Mentioned.”

BE IT THEREFORE ENACTED by the Authority Aforesaid that in all cases where any part of the Monies have been received, or property in lieu thereof taken, and applied to publick use, the Amount of the same shall be acknowledged and Received by the Commissioners appointed in and by this Act as so much of the Amercement of such Person or Persons Respectively. And in all cases where any part of the Estates Real or Personal of the said persons or any of them, named in this Act, hath been sold or disposed of by the said Commissioners, it shall and may be at the option of the Purchaser or Purchasers, either to give up his her or their Purchase or to keep the same; in the latter case the said sale shall be confirmed, and his honor the Governor for the time being, shall Assign and set over to the Person or Persons whose property was so sold all Bond Mortgages and other securities taken for the same by the said Commissioners from the said purchaser and purchasers and thereafter the said bonds Mortgages and other Securities with the monies thereon due and to Grow due to hold to such Person or Persons respectively to whom the same are so Assigned as aforesaid and their Respective heirs Executors Administrators and  
Assigns

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Amercing Certain Persons.

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Assigns Absolutely forever, And in this case no suit or Action shall be brought against the said purchaser and purchasers for the space of two Years from January Next, and then whatever would be deemed a Good Payment to the Public shall be held and taken as such by the Person or Persons to whom the said bond and other securities are Assigned and if it shall so happen that the said purchaser or purchasers under the said Confiscation Act, shall choose to give up his, her, or their purchase, he, she, or they shall have power to do so, and the Estate real or personal purchased by such person or persons being Redelivered to the Owner or Owners in this Act named the said purchaser or purchasers shall be entirely Acquitted and Released from all claim or concern in the said Estate, and the same shall hold to the said Original Owner and Owners his, her, or their heirs Executors, Administrators and Assigns forever, Subject only to the Amercement in this Act specified and Contained.

AND BE IT FURTHER ENACTED by the Authority aforesaid that all such parts of the Estates of them the said Several persons herein before named either real or personal which have not been already and before the passing of this Act sold and disposed of by the Commissioners aforesaid shall be and the same is hereby declared to be fully truly and absolutely restored to them the said several persons herein before named respectively and their respective heirs Executors Administrators and Assigns forever  
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Amercing Certain Persons.

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in as full and ample a manner to all intents and purposes, as if the said Act of Confiscation passed at Augusta as aforesaid had never been made.-

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the said several persons herein before named shall pay and satisfy the Commissioners the full amount of their Commissions respectively on the sales of such part of their Estates as have been sold.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the State will and do Guarantee and defend the Commissioners appointed by this Act or a Majority of them in all their proceedings for carrying the powers And Authorities given them into full effect, and will also warrant and forever defend all and every sale or sales which the said Commissioners or a Majority of them shall Make to any purchaser or purchasers of any part or parts of the Estates of the aforesaid persons.

AND BE IT FURTHER ENACTED by the Authority aforesaid that the Commissioners for Carrying this Act into execution shall be allowed one pound for every such hundred pounds placed in their hands and paid by them Agreeable to the Meaning of this Act, together with an Allowance of such reasonable charges as may accrue from the execution of the same.-

AND BE IT FURTHER ENACTED that if  
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Preventing Improper Persons Becoming Citizens.

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any person or persons named in this Act shall fraudulently make over, or Remove or Conceal any part or parts of his or their Property with intent to defraud the State, such person or persons shall forfeit all and every such part or parts of his or their Estates so made over, removed or concealed, on satisfactory proof being thereof made before any Court of Record within this State.

AND BE IT FURTHER ENACTED by the Authority aforesaid that this Act shall be deemed a Publick Act, and shall be considered in the most beneficial manner for the Interest of the State

Signed by Order of the House  
of Assembly this 5<sup>th</sup> August  
1782. at Savannah

JAS. HABERSHAM Speaker

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(State Archives.)

A N A C T

*For Preventing improper or Disaffected Persons  
Emigrating from other Places, and becoming  
Citizens of this State, and for other purposes  
therein Mentioned.*

WHEREAS it is absolutely necessary for the  
peace safety and Good Government of this  
State,











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